

THIS TABLE COMPARES THE EXISTING TOWN ZONING LAW (Local Law 2 of 2009, amended most recently in 2020) **AND THE NEW PROPOSED ZONING LAW** (draft dated July 19, 2024)

Column 1 shows the section of the existing law, and Column 2 provides the general subject of each provision. Column 3 shows the corresponding section of the proposed new law that would replace the existing law. Columns 4, 5, and 6 show the nature of the comparison – whether the section of the proposed law is the same as the existing law, moderately edited to the same effect as the existing law, and or substantially changed from the existing law or is new and has no comparable provision in the existing law.

EXISTING LAW		PROPOSED LAW				
SECTION	SUBJECT	SECTION	SAME	EDITED	CHANGED NEW	DIFFERENCES
Article 1	GENERAL PROVISIONS					
1000	Title	100	X			
1010	Intent	101			CHANGED	Now called “Purpose;” Deletes farming altogether as related to the purposes of the proposed law.
1020	Applicability	102			CHANGED	Expanded statement of coverage
1030	Validity, Savings, Severability	104		X		
1040	Conflicts	103		X		
1050	Effective date	110		X		
1060	Supercession (amendment of 2009 law in 2020)	N/A				
1070	Open	N/A				
1080	Violations and penalties	106			CHANGED	Adds liability for Town’s legal fees if the Town wins in an enforcement action in court. This is known as the “English Rule” of damages. Almost all courts in the U.S. apply the “American Rule” under which each party pays

						its own legal fees. In this case, applying the English Rule is intended to discourage residents from challenging the Zoning Officer's determination as to a violation. Only single notice of violation required as to homeowners; every day's violation requires notice as to businesses. Lower fines. Deletes punishment by imprisonment.
1090	Fees	105	X			
	Actions	107			NEW	THIS IS IMPORTANT. This section REQUIRES the Zoning Officer to take enforcement action if the Zoning Officer discovers a project that does not have the required permits. The Zoning Officer is directed to take enforcement actions authorized by local law AND AS AUTHORIZED BY STATE LAW. This is an attempt to bring State PROPERTY MAINTENANCE LAW and State WETLANDS LAW, among others, into place in the Town.
	Enforcement of local zoning law	108			NEW	Provides that and structure or use not in compliance may be stopped at <u>once</u> by Zoning Officer's stop order. Provides that stop order may be enforced with assistance of other Town offices or employees. THIS CANNOT HAPPEN BY ENTRY ONTO PRIVATE PROPERTY WITHOUT CONSENT, A WARRANT, OR A PUBLIC EMERGENCY.
	Consistency with Comprehensive Plan	109			CHANGED	Requires the new law be consistent with the Comprehensive Plan. The proposed law is NOT CONSISTENT WITH THE COMPREHENSIVE PLAN IN SIX IMPORTANT WAYS. See separate analysis

						on the requirements of the Comprehensive Plan.
	Amendments to zoning	111			NEW	Adds special requirements for amending a zoning law that are not applicable to other laws. One important new requirement is that if a petition for an amendment is denied by the Town Board, that denial prevents any new public hearing from being held until after the next election. This requirement is enforced by the requirement of a “SUPERMAJORITY VOTE ON THE TOWN BOARD PLUS ONE.” (Subsection F) Under the Town Law, a supermajority is a majority vote +1. The reference is this provision for a supermajority +1 technically means a unanimous vote. THIS WORDING MAY BE A MISTAKE. If not a mistake, then this provision is intended to block any public hearing on an amendment by anyone except the Town Board itself.
		112			NEW	N/A
Article 2	WORD USAGE AND DEFINITIONS					SEE SEPARATE ADDENDUM ON SERIOUS TEXT AND TECHNICAL PROBLEMS WITH DEFINITIONS FOR THE PROPOSED LAW
Article 3	PERMITS AND PROCEDURES					
3000	Permits required	200			NEW	All building permits require a Zoning permit to be issued first.
3010	Permit for types of uses	203		X		Section 203E (sequence of approvals) is new.
3020	Application procedures	202			CHANGED	New subsection D requires approval of County Highway Superintendent. Note MISTAKE in heading on this subsection.
3030	Zoning permit granted	204		X		

3040	Termination of permit	205		X		
3050	Certificate of compliance	206		X		
	Floodplain certificate	207			NEW	
	Stop work order	208			NEW	Imposes a fee for removal of structures and cost of issuing the stop work order.
	Zoning private roads	209	X			Cross reference to Local Law 1 of 2004
		210	X		NEW	N/A
Article 4	ZONING DISTRICT REGULATIONS	400, 401, 402, 403, 404			NEW	Article 4 of the proposed law eliminates the Agricultural District and creates the Low Density District, Hamlet Commercial District, General Commercial District, Industrial District and EPOD District
4010	Revision of Districts	Step 1 in creating new districts			NEW	This was an amendment of the existing zoning law; later revised by the proposed new zoning law.
4020	Interpretation of boundaries	302		X		
4030	Application of regulations	102		X		
4040	District purposes and objectives	400(A), 401(A), 402(A), 403(A),			NEW	All new language.
	Environmental Protection Overlay Districts	404			NEW	
	Floodplain Protection Overlay District	404.1			NEW	
	Stream and Wetland Setback Overlay District	404.2			NEW	
Article 5	REGULATIONS APPLICABLE TO					

	PERMITTED PRINCIPAL AND ACCESSORY USES					
5000	Access control	NONE			NEW	Removes limitation on industrial uses
5010	Alternative Energy Systems	727			CHANGE	Incorporates all of the provisions of Local Law 2 of 2020 with respect to solar systems and does not incorporate Local Law 1 of 2003 regarding windmills.
5020	Bed and Breakfast Establishments	708			NEW	Adds special use permit requirement for B&B in Hamlet Com'l District
5030	Clear View of Intersecting Streets	502			CHANGED	Changed nature of restrictions
5040	Cluster Residential Developments	718			CHANGED	Decrease in required tract size; decrease in requirements
5050	Fences	512			CHANGED	General requirements changed
5060	Habitation, size and width of buildings	503			CHANGED	All limitations on size and width of dwellings eliminated
5070	Home Occupations (Permit Required)	519		X		
5070a	Home Occupations - Minor	519		X		
5070b	Home Occupations - Major	709			NEW	Separate requirements for home-based business
5080	Manufactured (Mobile) Homes	400, Table 1 Definition		X		
5090	Non-Conforming Uses, Lots and Structures	500, 710(M), 1000(C)		X		
5100	Open	N/A				
5110	Outdoor Storage of Junk	Definition of Junkyard,			NEW	No provision for junk or junkyards in proposed law. Waste disposal provisions in the property maintenance requirements
5120	Seasonal Use District	506			CHANGED	Nearly all requirements deleted.
5130	Recreational Vehicles	507			CHANGED	Allows 5 units per lot
5140	Satellite Dish Antenna	Definition only			NEW	This provision has been deleted. Including the definition appears to be a mistake in drafting.

5150	Signs	510		X		
5160	Storage of Building Materials	516			CHANGED	Requirements deleted.
5170	Stripping of Topsoil	504		X		
5180	Swimming Pools	509		X		
5190	Lighting	521, 522, 703, 709, 711, 716, 717		X		
	Corner and through lots	501			NEW	
	Year-round dwellings	505			NEW	
	Accessory Dwelling Unit	508			NEW	
	Outdoor Storage in Conjunction with Retail and Wholesale Businesses	516			NEW	
	Refuse Containers	517			NEW	
	Residential and Working Farm Energy Systems	520			NEW	
	Churches and Places of Worship	521			NEW	
	Libraries and Museums	522			NEW	
	Private Schools and Pre-Schools	523			NEW	
	Accessory Buildings and Structures	525			NEW	
	Solid Waste Disposal	526			NEW	
Article 6	SPECIAL USE PERMIT REGULATIONS AND PROCEDURES					
6000	General Provisions	700		X		

6010	Administration	701			NEW	Changes authority to grant special use permits from Town Board to Town Planning Board. Takes responsibility for NEW WINDMILL PROJECTS off the Town Board (elected) to non-elected Planning Board.
6020	General Standards	705			CHANGED	Planning Board may waive requirements for special use permit
6030	Procedures	702, 703			CHANGED	Expanded requirements on findings.
6030(D)(1)	Findings	703			CHANGED	
6030(F)(G)	Special Use Permit Approval/Disapproval	704			CHANGED	Provides that special use permit “shall be deemed revoked” if the permit is unexercised for one year or if any use is discontinued for a period of one year. A special use permit is a property right and cannot be taken away by administrative action without a court hearing.
6040	Adult Bookstores	728		X		Old provision deleted; reference to town law governing adult entertainment businesses substituted
6050	Airports and Airstrips	713		X		More extensive list of specific requirements but not substantially different
6060	Animal Waste Management System	518, 714(E), 715(H)			NEW	Local requirements on farm manure storage deleted; new language refers to federal and state standards
6070	Campgrounds	203(F), 507, 717			NEW	5 camping units allowed per lot; separates private camp grounds and commercial camp grounds
6080	Cemeteries	722			CHANGED	Smaller lots allowed, crematoria allowed
6090	Civic and Social Clubs	724			CHANGED	Additional limitations on location and functions
6100	Communication Towers	726			CHANGED	Deletion of text; reference to another Local Law
6110	Drive-in Business	719		X		Formerly limited to restaurants located in business district; now any drive-in
6120	Essential Services and Utilities	725			NEW	All requirements deleted. Apparently a drafting ,MISTAKE

6130	Excavation Operations	721			CHANGED	Creates an exemption for extractions of less than 100 tons within 12 months; new requirements
6140	Farm Labor Housing	729			CHANGED	Allows 5 dwelling units (any kind) on same lot as the farm. Definition of dwelling unit includes a house, therefore additional five houses on farm lot. Unclear whether these
6150	Farm Markets	707		X		
6160	Animals Owned for Recreation	NONE			NEW	This entire provision deleted.
6170	Grocery Store, Meat Market Baked Goods Store	NONE			NEW	This entire provision deleted.
6180	OPEN	N/A				
6190	Kennels (Commercial and Private)	715			CHANGED	New requirements for lot size, number of dogs, etc. for commercial kennels; deletes requirements for private kennels
6200	Mobile Home Park	400, Table 1			NEW	Deletes references to mobile home parks
6210	OPEN	N/A				
6220	Motor Vehicle Sales/Farm Equipment Sales	711			NEW	Separates motor vehicle sales from farm equipment sales; new requirements for motor vehicle sales
6230	Motor Vehicle Service Stations and auto repair shops	710, 712(A)			NEW	Special use permits limited to General Commercial District; no special use permit needed in Light Industrial District; limitations on unregistered vehicles changed
6240	Multiple Family Dwellings	401, Table 4			NEW	All requirements other than table headings have been deleted. New definitions added.
6250	Pinball and Video Game Arcades	401, Table 4, 402, Table 5			NEW	Deleted. New title is Indoor Recreation Businesses
6260	Ponds	511			NEW	Restrictions deleted
6270	Planned Residential Development	718			NEW	Now called Cluster Residential Developments
6280	OPEN	N/A				

6290	Recreation and Amusement Establishments	401, Table 4 402, Table 5			NEW	Deleted. New title is Indoor Recreation Business
6300	Stables and Riding Academies	716			CHANGED	Minimum acreage increased, new restrictions
6310	Home Based Businesses	709			CHANGED	Now “Home Business,” additional requirements, no acreage requirement
6320	Motor Vehicle Race Tracks	NONE			NEW	Deleted
	Maintenance of Special Use Permit Conditions	706, 704			NEW	If special use permit is unexercised for a year, it is deemed revoked. Likely this provision would be inoperative. A special use permit is property, and property cannot be taken from a person without due process of law. “Deemed” doesn’t work.
	Convenience Stores without Gas Sales	712(B)			NEW	
Addendum 2	Veterinarian Clinics	714			CHANGE	Adds six new substantive requirements
	Regulation of Commercial and Industrial Energy Production/Conversion Facilities	727			NEW	Cross reference to separate local law
	Reserved	730	N/A			
Article 7	SITE PLAN REVIEW					
7000	Purpose	800		X		
7010	Uses Requiring Site Plan Review	801			CHANGED	New exemption covers any additions to single family or two-family dwellings. New exemption covers “farm uses” as well as “agricultural uses.” Definition of “farm” gives this a broad coverage. This section seems to have MISTAKE.

7020	Procedure	802, 803				New Agriculture Data Statement required for projects near farm operations within ag district or low density district. Note that the definition of “farm” can cover an extended number of properties.
7030	Site Plan Review Elements	804, 802(C), 802(D)			CHANGED	Adds 6 new criteria; Adds animal waste criteria; Adds Ag Data Statement; adds unlimited power of Planning Board to waive any of the requirements for site plan review.
7030(B)	Manure Storage Facilities for Farming Operations	518			CHANGED	Deletes local requirements; defaults to state and federal requirements.
7040	Site Plan Review Criteria	805			CHANGED	Deletes review criteria of significant views or vistas from adjoining properties and open and recreational space. Adds solar access. Adds 3 extensive criteria on preservation of natural features; Adds 4 extensive new criteria on soil and sediment control (note that the latter refers to a “Slopes Overlay Area” and a “Unique Natural Area” neither of which exist in the proposed law). Requires public hearing on all site plans.
7040(C)	Off Street Parking/Loading	513, 514		X		
7050	OPEN	N/A				
7060	Action on Site Review Plan	802, 805(E)			CHANGED	Planning Board can waive <u>any of the requirements</u> of Article 7.
7070	Supplemental Regulations Pertaining to Site Plan Approval				NEW	Deletes all supplemental regulations in Section 7070 of the existing law.
	Reserved	806	N/A			
Article 8	ADMINISTRATION & ENFORCEMENT					
8000	Violations and Penalties	106, 600(E), 905				See Section 1080 on penalties. Section 8000 deals with citizen complaints about violations.

						Section 904(B) and (C) deal with citizen complaints.
8010	Enforcement	107, 108, 510, 600(A), 904, 1002		X		Note references in Section 510, Section 600(A), and Section 1002 to the “Zoning Enforcement Officer.” That position does not exist in the proposed law. Section 904 has new enforcement provisions relevant to the new property maintenance sections of the new law.
8020	Duties and Procedures of the Zoning Officer	600			CHANGED	<p>Section 600(B) of the new law provides that the Zoning Officer “may inspect any building” but that power is necessarily limited by the requirement for the Zoning Officer to have consent, a warrant, or an emergency circumstance involving serious danger to a person. Otherwise, the Zoning Officer may not inspect any building except from outside the property bounds. The limitations should be spelled out in Section 600(B).</p> <p>Section 600(D)(2) provides that the Zoning Officer may inspect annually premises for which a special use permit has been issued, but this may be done only if the special permit itself contains a notice to the property owner to this effect. Otherwise, the Zoning Officer may inspect the property only from outside the property bounds. This requirement should be specified in Section 600(D)(2).</p> <p>Section 600(D)(3) provides that if a notice of violation is issued with respect to a property where the owner holds a permit, and the Zoning Officer’s claimed violation is not corrected within 60 days, the special use permit “shall become null and void.” The special use permit is a property right and cannot be taken</p>

						away administratively without a court order. This requirement should be specified in Section 600(D).
8030	Planning Board	601		X		Section 601(A) increases the number of alternate members from one to two; section 601(D)(9) adds duty of reviewing mining permit applications filed with the State DEC.
8040	Zoning Board of Appeals	602		X		Section 602(A) increases the number of alternate members from one to two; adds requirement for training.
8050	Permitted Actions on Area or Use Variances	602			CHANGED	<p>Cutback in authority. Current law provides for appeals to ZBA on “interpretation of this Local Law.” Sec. 602(C) of proposed law provides more limited appeals” on “interpretation of “such provisions as more fully described in this Section.”</p> <p>Current law provides for appeals in “conjunction with an application for site plan review or subdivision.” Proposed law deletes this authority,</p> <p><u>Area variances</u></p> <p>Section 602(C)(2)(c) Proposed law adds authority in granting an area variance to impose conditions on use as well. Proposed law also adds that conditions on use (added to area variance”) be consistent with the “spirit” of the local law. There is no such legal thing as the “spirit” of a law. Even the “intent” of a law is frowned upon by courts as a binding legal standard.</p> <p>MISTAKE in 602(2)(C)(4)</p> <p><u>Use variances</u></p> <p>Current law allows a use variance where “the applicant cannot realize a reasonable return” without the variance.</p>

						<p>Proposed law provides that the applicant must prove “deprived of all economic use or benefit from the property.”</p> <p>Adds provision that area restrictions may be applied in an application for a use variance; and such condition must be consistent with the “spirit” of the law. See above on “spirit.”</p>
8060	Procedures for Appeals and Variances	602(D), 603			CHANGED	<p>New time limit on filing appeal.</p> <p>Area variance requires a site plan.</p> <p>Notice requirement changed. Existing law provides 1000 ft from the property affected. Proposed law provides any property within the low density district where there is a arm operation and reduced from 1000ft to 500 ft. for property outside LD district.</p> <p>Timing of public hearing changed from “reasonable time” to “within 62 days” of receipt of the application.</p> <p>Separate section on appeals from official actions other than by Zoning Officer is deleted.</p> <p>New provision on referral to County. Override of a Count recommendation requires a supermajority vote of the Planning Board.</p>
8070	Lapse of Authorization				CHANGED	<p>Existing law requires zoning permit to be obtained within 6 mo and construction to begin within 1 year.</p> <p>New law provides the ZBA may specify eriod of time a use variance may be in effect – consistent with “spirit” of the law. See above with respect to “spirit.”</p>
8080	Violation of Conditions or Restrictions	NONE			CHANGED	<p>Existing law provides that failure to comply with any condition or restriction is a violation and “may constitute a basis for revocation.”</p> <p>New law contains no specific provision with respect to failure to comply and therefore reverts to general provision</p>

8090	Article 78 Proceeding	NONE			CHANGED	The provision that tells residents how to appeal from a decision of the ZBA has been deleted.
8100	SEQR	524		X		
Article 9	SPECIAL DEVELOPMENT STANDARD					
9000	Erosion and Sedimentation Control	404.02, 504(B), 721, 805, 903		X		
9010	Junkyards	NONE			CHANGED	Definition only. No substantive provision.
9020	Parking of Commercial Vehicles	508, 513, 514, 515, 521, 522,		X		
9030	Off Street Parking and Loading	513, 514, 515		X		
9040, 5010, Addendum 2	Height Regulations			X		<p>Existing law has exemptions from height restrictions for “telecommunication towers, spires, belfries, monuments, tanks, water and elevator bulkheads, smokestacks, solar heating equipment, satellite dishes, silos, barns and other farm structures, flagpoles, and wind towers (Local Law 1 of 2003), except as specifically defined elsewhere in this local law”</p> <p>Proposed law has height limitations of 35-50 feet in tables except for CEPCS, Excavation and Mining which have no limitations.</p> <p>Section 400, Table 1: farm silos are exempt; height for spires is 100 ft.</p> <p>Section 401, Table 4: N/A</p> <p>Section 402, Table 5: Telecom facilities, CEPCS, Residential & Working farm exempt</p> <p>Section 403, Table 6: Farm crop storage exempt</p> <p>Section 718, cluster developments, height requirements shall be established on an individual case basis</p>

						Unclear as to belfries, monuments, tanks, water and elevator bulkheads, smokestacks, solar heating equipment, satellite dishes, and flagpoles.
9050	Floor Space Regulations	505 (floor area)			CHANGED	Existing law: 1075 floor space per one story dwelling, 1200 sq. ft for two story dwelling. Requires minimum width of 20 ft. No single commercial building or structure may exceed 20,000 sq. ft. Proposed law: single family dwellings gross habitable floor area of not less than 1,075 square feet and all two-family dwelling shall have a gross habitable floor area of not less than 2,150 square feet. Proposed law: No minimum width; no limit on size of building
9060	Local Laws	Art. 13	X			
9070	Care Centers and Facilities	723		X		Existing law: Proposed law: Covers adult care centers as well as child care; child day care centers in hamlets require special use permit, but not elsewhere. All care facilities require a state license.
9080	Golf Courses	720			CHANGED	Proposed law: Now classified as outdoor recreation facilities; extensive new requirements. Adds 12 new substantive requirements for all facilities and an additional 8 new substantive requirements for golf facilities.
PROPOSED LAW	Art. 9, Property Maintenance				ALL NEW	Taken from State law
	Purpose	900			NEW	
	Definitions	901			NEW	

	Minimum standards	902			NEW	
	Applicability of regulations	903			NEW	
	Inspection and Enforcement Procedure	904			NEW	
	Penalty	905			NEW	
Article 10	N/A					There is no Article 10 in the existing law.
Article 11	Land Separation					
11000	Purpose	1000	X			
11010	Procedure	1001, 1002, 1003, 1004, 1005, 1006, 1007			CHANGED	Proposed Law: Allows waiver of any provision; includes new definitions; new penalty provision.
Addendum 1	History of Zoning Laws	NONE			CHANGED	This provision that lists all prior zoning laws has been deleted entirely.
Addendum 2	Minimum Yard Requirements, Primary Building				CHANGED	Basic changes are to: (1) Decrease flexibility for small lot owners, and (2) Remove all limits on size of buildings for large lot owners
Addendum 2	Veterinarian Clinics	714			CHANGE	Adds six new substantive requirements
Addendum 2	Minimum Yard Requirements, Primary Building	400(B), 401(B), 402(B), 403(B),			CHANGED	See separate COMPARISON OF TABLES for CHANGES as to primary buildings in all districts
Addendum 3	Minimum Yard Requirements, Accessory Building				CHANGED	Increased flexibility for accessory uses

Addendum 3	Minimum Yard Requirements Accessory Building	400(B), 401(B), 402(B), 403(B), 508			CHANGED	See separate COMPARISON OF TABLES for CHANGES as to accessory buildings in all districts
Addendum 4	Table of Permitted Uses	NONE			CHANGED	This provision that accounts for all categories of permitted uses has been deleted entirely.
Addendum 5	Resolution to Preserve Greenspace	NONE			CHANGED	This provision which provides a limit on the number of permits that can be issued each year has been deleted entirely.