



**To:** Town of Fallsburg Town Board and CPC  
**From:** Jonathan Lockman, AICP  
 Bonnie Franson, AICP CEP, PP  
**Re:** Revised Zoning Code, Chapter 310, October 12, 2017 DRAFT  
**Date:** 18 October 2017

Below is a list of the changes found in the proposed October 12, 2017 draft of updates to the Zoning Chapter 310, as recommended in the Comprehensive Plan Update. We hope you will find this useful in your review of the document, in preparation for our upcoming meeting on October 23, 2017. Notes in bold and italics indicate some typos and inconsistencies found today which perhaps can be resolved in our discussions at the upcoming meeting.

Page Number(s)	Chapter 310 Section(s)	Topic	Description
1-2	1.1-1.2	Enactment and Intent	Updated purposes to match Comp Plan changes.
4 & 8 & 10	2.2	Definitions	Agribusiness; Agricultural Operation Class I & II; Concentrated Animal Feeding Operation; Domestic Farm Animals – Definitions to match Agriculture & Markets Law and Regulations
5	2.2	Definitions	Bed and Breakfast – change number of bedrooms
6	2.2	Definitions	Building Height – change measurement method to match building code
6-7	2.2	Definitions	Cabin; Cabin, Hunting & Fishing - clarify
7	2.2	Definitions	Camp, Day; Camp, Sleepaway – clarify, define season, ages
7	2.2	Definitions	Campground, Vacation - clarify
8 & 18 & 20	2.2	Definitions	Central Sewer – eliminate; Central Water – clarify; Municipal Sewer – eliminate; Private Water – add new definition; Public Sewer – clarify; Public Water - clarify
8	2.2	Definitions	Clear-Cutting – clarify adding diameter units
9	2.2	Definitions	Cluster Development - clarify
9	2.2	Definitions	Customary Accessory Uses – clarify with legal terms
10	2.2	Definitions	Day Care Center; Day Care Home - Clarify
10	2.2	Definitions	Detention Pond - Clarify
10	2.2	Definitions	Dormitory or Fraternity and Sorority House - Clarify
11 & 18	2.2	Definitions	Duplex Building; Duplex Development; Dwelling Farm; Dwelling, One Family; Dwelling, Two Family – Clarify; Multiple Residence Development – New Definition
12	2.2	Definitions	Essential Services - eliminate
12	2.2	Definitions	Family and Group Care Facility - clarify

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Page Number(s)	Chapter 310 Section(s)	Topic	Description
13 & 18	2.2	Definitions	Fraternal or Nonprofit Organizations – eliminate; Nonprofit Organization – new definition
13	2.2	Definitions	Garage, Private - clarify
14	2.2	Definitions	Hazardous Material – cite NYS DEC
14	2.2	Definitions	Home Occupation - clarify
14	2.2	Definitions	Home Professional Office – eliminate duplication
15	2.2	Definitions	House of Worship – clarify and match other jurisdictions to comply with RLUIPA
15	2.2	Definitions	Impervious Surface - clarify
16	2.2	Definitions	Lot; Lot, Area; Lot, Through - clarify
17	2.2	Definitions	Manufactured Home; Modular Home – clarify, eliminate duplication
18	2.2	Definitions	Nonconforming Use - clarify
19	2.2	Definitions	OFM – eliminate outdated State definition, see CAFO
19	2.2	Definitions	Planned Resort Development - clarify
20	2.2	Definitions	Principial Use - clarify
20-21	2.2	Definitions	Recreation, Active; Recreation Passive - Eliminate
21-22	2.2	Definitions	Religion Retreat – eliminate; Retreat – new definition
21	2.2	Definitions	Research, Design and Development Laboratory – clarify term
21	2.2	Definitions	Resort – clarify term
23	2.2	Definitions	Setback, Front – clarify measurement when property line equals centerline
23	2.2	Definitions	Sign – requires English alphabet in addition to any other language
26	2.2	Definitions	Swimming Pool, Public – eliminate “Public” modifier
27	2.2	Definitions	User Road – add definition
29	3.1	List of Districts	Update names and abbreviations
30-31	3.2 & 3.3	Zoning Map and District Boundaries	Update with Neversink Overlay, clarify district boundary request procedure
32	3.5	Use & Bulk Table	Clarify meaning of blanks, dashes, and NA
33-34	4.1	Lot Regulations	Clarify
36	4.3	Yard Regulations	Clarify
38-39	4.7	Accessory Structures	Clarify
40-41	4.8	Swimming Pools	Clarify
41	4.9	Recreational Uses	Clarify
43-46	4.12	Solar Energy Systems	New solar energy systems standards (small scale)

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46-47	4.13	Flood Hazard Areas	No new habitable buildings without ZBA variance
48-50	5.2	Domestic Farm Animals	Clarifications, coordinate with Agriculture & Markets Law
50-51	5.3	Dormitories, Fraternity & Sorority Houses	Clarify, parallel to camp standards
51	5.4	Net Density Requirements to reduce for environmental constraints	Clarify application – for all uses requiring site plan, subdivision, special use, etc.
53	5.5	Fences & hedges	Clarify waiver provision, can be approved by CEO
53-54	5.6	Home occupation	Re-number, clarify exemption for farms, coordinate with Agriculture & Markets Law
54	5.7	Hunting & Fishing Cabins	Clarify occupancy limits
54-55	5.8	Institutional Uses	Clarify for B district. <b>Note – typo discovered on pg. 55, subpart B, line 6, will eliminate next draft</b>
55	5.9	Junkyard and dumps	Clarify
57	5.10	Landscaping & Buffering	Add prohibition of invasive species
57	5.11	Lighting	Now includes multifamily, duplex, townhouses, etc.
58	5.12	Manufactured home on individual lots	Clarify intro sentence
61-62	5.14	Multifamily development	Clarify terms, require ARB approval. Add termination clause for discontinuance of nonconforming use.
63-64	5.15	Noise	Minor clarifications
65-66	5.16	Outdoor Furnaces	Update references and smokestack height standards
69-70	5.19	Dangerous & objectionable elements	Minor clarifications
71	5.20	Prohibited uses	Tie to prior section 5.19
71	5.21	Utilities and substations	Clarify meaning of screening and buffering
72	5.23	Sewer and water pump stations	Clarify meaning of screening and buffering

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72	5.25	Flammable Liquids	Clarify tank size, coordinate with State standards
73	5.26	Temporary storage	Update zoning district references
73-74	5.27	Agricultural Industry	Eliminate 5.27, replace with 5.2 and State CAFO regulations control.
74-75	5.27 & 5.28	Temp uses, Travel Trailers	Clarify and update zoning district references
75-76	5.30	Duplex Developments	Update District references
76-77	5.30	Duplex Developments	Update densities in HT with reduction in requirement to match townhouses
77	5.30	Duplex Developments	In R district, reduce front buffer and yard requirements to 150 feet, and allow some construction of buffer in the rear 75 feet with drives, parking, stormwater features, but no buildings.
77-78	5.30	Duplex Developments	New: In HR district, allow duplex development use with parallel setbacks to Townhouse, multifamily standards. Prohibit chain link fences and limit fence height in HR.
78	5.30	Duplex Developments	Adjust standards for other perimeter setbacks (other than front) with different standards for R and HR districts
78-79	5.30	Duplex Developments	Adjust building separation standards to coordinate with multifamily and townhouses
80	5.30	Duplex Developments	Require architectural, transportation and pedestrian integration with Hamlets in HR district
81	5.30	Duplex Developments	Pods of 5 duplex buildings (every ten units) separated from the next pod by 62 foot buffer – double the usual side by side separation
82	5.30	Duplex Developments	Clarify definition of open space
82	5.30	Duplex Developments	Reinforce requirement for public sewer and water for duplex developments
83	5.30	Duplex Developments	Misc. clarifications of references to “this section”
84	5.31	Two-family Dwelling	Clarify that separate bulk standards apply
84	5.32	Secondary kitchens	Allowed as long as not for making a second unit
84	5.33	Sidewalks	All site plan or subdivision uses may be required to install sidewalks to connect to Hamlet centers in R, HR, B or NB

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86	6.2	Special Permit Procedure	Planning Board must notify owners within 300 of public hearing by certified mail. <b>Note: not consistent with 7.8?</b>
89	6.3.B	Bed & Breakfast	Increase maximum to eight guest rooms
90	6.3.D	Cellular towers	Correct district references
94	6.3.I	Home Professional Offices	Delete standards, covered by Home occupation standards of 5.6
95	6.3.K	Light Industrial	Clarified by adding "the lot"
96-97	6.3.L	Quarry Operations	Added reference to state regulations
99-101	6.3.N	Vacation Campgrounds	Change words "municipal" with "public" for water and sewer requirements, require winter plowing, clarify to match inspection requirements of sec. 100 of Town Code.
101-108	6.3.P 6.3.Q 6.3.R	Camp, sleepaway Canp, day Retreat	Consistent minimum lot size and frontage Consistent requirements for layout, operation plans, setbacks, density, utilities, noise, fire protection, inspections. Season of operations limited for camps (but not retreats). <b>Note: - Typo found, extra letter in item (10)(a), will eliminate next draft.</b>
108-111	6.3.S	Solar Energy Systems, large scale	Inserted new law, added K. Decommissioning and Removal Security
113	7.2	Site Plan Review applicability	Clarifications
115-116	7.4	Site Plan elements	Clarifications
118	7.4.H	Site Plan elements- Stormwater	SWPPP required by DEC added
120-121	7.8	Site Plan Hearings	Applicant to send notices by certified mail. CEO to mail denial decision.
121-122	7.11 and 7.12	Site Plan expirations, field changes	Specific expiration dates set, with limited extensions. Field changes may be processed by CEO or referred to Planning Board.
126-127	8.1.E	Parking and Loading	Limitations on parking of large commercial vehicles
128-129	8.1 Table 7	Off Street Parking Requirements	Clarify references, eliminate home professional office (covered by home occupation)
130	8.4	Traffic Studies	Clarify authority to require a traffic study under SEQR

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137	9.3.F	Nonconforming Bungalow Colony	Allow replacement of flat roof with pitched roof as long as no habitable space is created and height requirements met
138	9.5	Nonconforming Lots of Record	Clarify that area variances still required
138	9.6	Conversion of seasonal units	References bungalows to 9.3.F
140	10.3	ZBA Procedure	Changed to 60 days for filing of appeal, per state law
148	11.5	Penalties	Add references per legal review comments
153-163	14	Cluster Developments	Increased procedures and standards. 10% density bonus. Clustering optional. Broad and consistent application across districts.
166-169	15.8; 15.10	PUD Districts	Clarifications
170-177	16.1	PRD Standards	Clarifications, correct references
178-184	17.1 to 17.4	Townhouse Developments	Change district references. Coordinate density, buffer, separation and setback requirements with duplexes, multifamily, etc.
187-188 189 191-192 198 199 202 203 207-208	19.3 20.3 22.5 23.3 24.3 25.5 25.7 26.3	PUD Districts	Change references from "single-family" to "one family." Change district references.
209-211	29.1	Neversink River Overlay District	Remove REC-1 overlay, which is replaced by REC district. Create new Neversink River Overlay within 300 feet of normal high water line or the extent of the 100-year floodplain, whichever is greater. Limitation on impervious surfaces and clearing, and authority for Planning Board to impose conditions. <b>Note: Steering committee had discussed using the center of the river instead of the shoreline as the beginning of the three hundred fee. This can be changed next draft if preferred.</b>
211	29.2	O&W Rail Trail Overlay	Remove reference to ROW

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213-215	30.1 30.2  30.3	Architectural Review Board	Strikeout "each month" Add jurisdiction for review of all duplex, townhouse, multifamily developments, religious retreats, institutional uses, hotels and resort hotels, colleges and universities, nursing homes, adult home, within all residential and nonresidential zoning districts. Clarify referrals. <b>Note: "Religious Retreats" should be changed to "Retreats" in next draft, to be consistent with definitional changes.</b> Clarify submission procedures.
219		List of Attachments	Updated
Attachments 2:1 to 2:11	Schedule I – Table of Bulk and Use Requirements	Use and Bulk Standards for Each Zone	Change District Names, removing number suffixes. Eliminate and add uses per Comprehensive Plan Recommendations. Merge REC 1 and 2 into REC. Eliminate blank cells, and insert NA where not applicable. Remove redundant footnotes.