

LOCAL LAW NO. OF 2007
AMENDING LOCAL LAWS NO. 9 OF 2002 & NO. 4 OF 2006
ENTITLED "A LOCAL LAW AMENDING THE
ZONING REQUIREMENTS OF THE TOWN OF EAST FISHKILL"

SECTION ONE: LEGISLATIVE INTENT

Over the last year, the Town Board has been examining issues that present themselves in the Zoning Ordinance so as to correct and remedy deficiencies, inconsistencies that may exist in the Law. It is with this intent in mind, that this Local Law is proposed and adopted.

SECTION TWO: CHANGES TO THE SCHEDULE OF PERMITTED USES - RESIDENTIAL DISTRICTS

(A) The scheduled permitted uses of the Zoning Ordinance of the Town of East Fishkill as enacted by Local Law No. 9 of 2002 be and hereby is revised so as to remove Kennels as a special permit allowable in the residential districts.

(B) The B1, B2 and all other commercial and nonresidential districts shall be amended to provide that a permitted principal use shall be a commercial kennel.

SECTION THREE: DEFINITION MODIFICATION

The definition section of the Zoning Ordinance shall have added thereto definition of "Household Pets". "Household Pets" shall be dogs and cats and other small animals which are customarily kept in a single family residence.

SECTION FOUR: SPECIAL PERMIT PROVISIONS FOR KENNELS

In Section 194(73) of the Zoning Law shall be removed from Special Permits and be added as a general use regulation under Article X of the Zoning Ordinance and the text thereof shall be modified so as to delete any reference to special permit and all references to the Zoning Board of Appeals shall be changed to Planning Board.

SECTION FIVE: ACCESSORY BUILDINGS

Section 194-07 entitled "Accessory Buildings" which was added by Local Law No. 7 of 1985 be and hereby is amended to read as follows:

Accessory Buildings:

- A. General. No building permit shall be issued for the construction of any detached accessory building, inclusive of garages, utility sheds, storage

sheds or any other outbuildings, but not including construction sheds, until such time as the principal building has been substantially completed in all respects, conforming with all applicable provisions of this chapter.

- B. Standards. One building normally considered for utility use in conjunction with an existing residence for the storage of garden or lawn tools, etc. may be erected without a building permit if they meet the following requirements:
- (1) Building dimensions. No such building shall be larger than 100 square feet in floor area nor more than 10 feet in height at its highest point.
 - (2) Setbacks. Such buildings shall not be erected within 25 feet of a side or rear property line, and they must be located to the rear of the principal residence located on the same adjoining lots.
 - (3) Deadline for construction. Such buildings must be of completed construction within a six-month period and must meet New York State Uniform Building and Fire Prevention Code requirements with what is considered finishing siding and roofing.
- C. All detached garages shall meet all applicable bulk regulations of the district in which they are located and shall be located in the rear yard. Garages may in no event exceed 750 sq. ft. or 40% of the square footage of the principal structure, whichever is greater in size and 1 1/2 stories or 25 ft. in height. In cluster subdivisions, the Planning Board may authorize detached garages to be placed within the rear yard, so long as the garage is set back at least 10 ft. from the rear inside property lines.

SECTION SIX: ADDITIONAL PUBLIC NOTICE REQUIREMENTS

Section 194-153(b) and Section 163-8(d) as previously amended by Local Law No. 4 of 2006 be and hereby is amended to read as follows:

1. The applicant shall mail, by First Class and Certified Mail - Return Receipt Requested, a copy of the Notice published in the Official Newspaper of the Town to all owners of property within 500 feet of the subject property (except in the case of appeals to the Zoning Board of Appeals for dimensional variances, then the Notice shall be mailed to owners of property within 250 feet of the subject property). Said Notice shall be mailed 25 days prior to the Public Hearing and an Affidavit of Mailing shall be filed with the Board's Clerk at least 10 business days before the Public Hearing, except for Public Hearings for Special Permits which shall be subject to the

relevant requirements of this Chapter.

2. The applicant will post the property with a Notice advising the Public of the Public Hearing. The posting will be on a sign provided by the Board to the applicant and the size, shape and color of which shall be approved by the Board. One sign will be posted for each 100 foot of road frontage on all public roads abutting the property. When a property has more than 200 feet of road frontage, then the Board, before which the application is pending, shall determine the number, size and placement of signs to be posted on the property. The postings will be placed on the property at least 20 days before the Public Hearing. An Affidavit of Posting will be filed with the Clerk at least 10 days before the Public Hearing. If the Public Hearing is adjourned, the sign will be revised to reflect the adjourned date within five days of the adjournment. An Affidavit attesting to the change of the date for purposes of adjournment will be filed with the Clerk at least one day prior to the next hearing date. The Notice required herein shall be removed within 5 days of the close of the Public Hearing.
3. The applicant shall be required to re-notice the Public Hearing if the above Items (1) and (2) are not performed.

SECTION SEVEN: EFFECTIVE DATE

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

**Adopted on
at a Regular Meeting held at
the Town Hall, 330 Route 376,
Hopewell Junction, NY**