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**Town of Woodstock****Proposed Local Law No. # of the Year 2025**

**A Local Law** updating Chapter 260-8 Description of overlay districts, renaming and updating Chapter 260-36 Overview of Standards for development within the Scenic Overlay (S-O) District, updating Chapter 260-63 K (10), and updating Chapter 260-66 Standards within Scenic Overlay (S-O) District. These changes are being made to further protect the Scenic Overlay.

**Be it enacted by the Town Board of the Town of Woodstock as follows:**

**SECTION 1 STATUTORY AUTHORITY**

This Local Law is enacted in accordance with Article XIII of Chapter 260 of the Woodstock Code, the Zoning Law of the Town of Woodstock, as amended; Articles 9 and 16 of the Town Law of the State of New York, which grant the Town Board of the Town of Woodstock authority to enact local laws for the purpose of promoting the health, safety and welfare of the people of the Town; Article 2, Section 10 of the Municipal Home Rule Law, which gives the Town of Woodstock the power to protect and enhance its physical environment; Article 12-B, Sections 239-1 and m, of the General Municipal Law; Section 10 of the New York Statute of Local Governments; Article IX of the New York State Constitution; the Executive Summary of the Woodstock Comprehensive Plan, and other legislative authority of the State of New York, as amended from time to time.

**SECTION 2 PURPOSES AND FINDINGS**

The purpose of this Local Law to amend Chapter 260 is to clarify development and other standards for the Scenic Overlay to better protect these environmentally sensitive areas in the Town of Woodstock. The current law contains ambiguities that have led to uncertainty on the part of scenic overlay home owners and developers regarding scenic overlay standards, and unclear direction to Town of Woodstock departments, boards, and committees regarding Scenic Overlay enforcement. These Chapter 260 updates provide clarity and remove ambiguities in the law to help with Scenic Overlay law understanding, adherence, and enforcement.

**SECTION 3. AMENDMENTS TO CHAPTER 260 OF THE WOODSTOCK CODE AS FOLLOWS:**

A. § 260-8. Description of overlay districts.

§260-8 B is hereby amended to read as follows:

**B.** The Scenic Overlay (S-O) District is established to protect the scenic mountainous character of the Town of Woodstock and requires special permit review of all development within the Scenic Overlay, including all properties located at an elevation greater than 1,200 feet above sea level, as delineated on United States Geological Survey (USGS) maps, to mitigate the visual impact of such development to the extent practicable and also to protect the environmentally sensitive lands in the Scenic Overlay.

B. § 260-36 Standards for development within the Scenic Overlay (S-O) District.

§260-36 is hereby amended to read as follows:

**§260-36 Overview of Standards for development within the Scenic Overlay (S-O) District**

The intent and Purpose of the Scenic Overlay District is to protect the historic viewscapes of mountain escarpments, steep hillsides, ridge lines, and forested sections of Woodstock at an elevation greater than 1200 feet. It is in the historic, esthetic, environmental and long-term economic interest of the Town of Woodstock to protect and preserve these lands and forested areas contained within the Scenic Overlay District with additional zoning regulations.

Within the Scenic Overlay District, as defined by § 260-8 the construction of new houses, house additions exceeding 150 square feet in floor area, accessory structures exceeding 150 square feet in floor area, and structures that impact the viewed shall be subject to the special use permit procedure provided by this section and by § 260-66 of this chapter. Recreational development, for example decks, swimming pools, courts for sporting activities, etc., are to be limited in scope and may be denied at the discretion of the Planning Board. All development within the Scenic Overlay District shall conform to the standards for the mitigation of visual impact enumerated in this section and by § 260-66 of this chapter. When the Zoning Enforcement Officer has received a complete application for proposed development within the Scenic Overlay District, the Zoning Enforcement Officer shall refer the relevant application for a building permit to the Planning Board for review under the special use permit procedure provided in this section and by § 260-66 of this chapter.

To ensure compliance with zoning regulations pertaining to the Scenic Overlay District by property owners in the Scenic Overlay District, the Town of Woodstock shall create and maintain a computerized list of all properties, by Section, Block and Lot as well as current owner, within the Scenic Overlay District, which shall be provided to the Assessor.

The Assessor, when a property has transferred to a new owner, will consult the list, and for properties in the Scenic Overlay District will notify the Zoning Enforcement Officer of the new property owner in the Scenic Overlay District.

The Zoning Enforcement Officer will notify the new property owner in the Scenic Overlay District, via certified mail, that they are in the Scenic Overlay District, attaching a copy of Zoning Law § 260-66 pertaining to the Scenic Overlay District, stating that they are required to follow the Zoning Law § 260-66 regulations, and stating that violating these standards at any time may result in fines and/or cause their Special Use Permit(s) from the Planning Board, and/or Certificate(s) of Occupancy from the Building Department to be revoked.

Whenever an application for a Building Permit or Special Use Permit is submitted by a property owner, the Zoning Enforcement Officer, the Building Department, or the Planning Board, respectively, will determine if the property is within or partly within the Scenic Overlay District, then remind the applicant that they are required to follow the regulations in the Zoning Law.

C. § 260-63 Additional specific standards for certain uses.

§260-63 K. (10) is hereby amended to read as follows:

Land in the Scenic Overlay is regulated by §260-66. Land not in the Scenic Overlay is excluded from these special use permit requirements: the harvesting of Christmas trees; the clearing of land for rights-of-way for utilities; reasonable site clearing preparatory to construction of a building for which a building permit has been issued; the clearing and maintenance of land for agricultural purposes; and the harvesting of trees and firewood for the personal use of the property owner not to exceed 20 cords per year.

D. § 260-66 Standards within Scenic Overlay (S-O) District.

§260-66 is hereby amended to read as follows:

A. Prior to the issuance of a building permit for development at a site, including, for example, land development, grading, building pads, the construction of a new house, house addition exceeding 150 square feet in floor area, or accessory structure exceeding 150 square feet in floor area, or any addition or accessory structure of any size, not complying with the standards of § 260-66 (A)(1)(a) through (j) below in this section, or recreational development, or creation of a driveway, or prior to the creation of a cleared right-of-way or any other cleared access greater than six feet in width, or cleared right-of-way or access less than six feet in width where the grading or earthmoving is proposed, the Planning Board shall undertake special use permit review. This special use permit review shall be in accordance with the general standards set forth in § 260-62 above and in accordance with the additional standard that the visual and environmental impact of the proposed development shall be mitigated both within its immediate environs and as viewed from a distance through the measures listed below. Recreational development, for example decks, swimming pools, courts for sporting activities, etc., are to be limited in scope or may be denied at the discretion of the Planning Board. § 260-66 (C) provides additional information regarding prohibited activities.

[Amended 11-18-2008 by L.L. No. 2-2008; 7-3-2013 by L.L. No. 1-2013]

**(1)** The proposed development shall include the following measures:

- (a)** The minimization of cut and fill activity and the effective vegetative restoration of all disturbed areas.
- (b)** The use of building materials, colors and textures designed to blend with the natural environment and the prohibition of highly reflective materials. Windows shall be minimized. Where window coverage exceeds 25% of any one side of the proposed building, tints, coatings, screens or films designed to reduce exterior glare shall be utilized on the elevation exceeding the standard. The Planning Board reserves the right to require glare-reduction materials where window coverage is less than or equal to 25% and may also determine that the application of antiglare material is unnecessary when there is no potential for the elevation in question to be seen from anywhere beyond the boundaries of the subject property.
- (c)** Respect for natural features including foliage, drainageways, contours, and landforms.
- (d)** The prohibition of development along and/or projecting above ridge lines. The building envelope of any site plan must preserve a minimum of 100 feet of forest from the physical ridge line. In addition, the restriction of development at other visually prominent locations, so that development is as visually inconspicuous as possible when seen from a distance and from lower altitudes. These measures preserve tree lines, forest canopies, and the environmental and visual value of trees in the Scenic Overlay District.
- (e)** The encouragement of natural buffers and other vegetative screening between land uses, as well as between developed areas and public roadways, including the use of conservation easements and similar devices to preserve and protect visually prominent open spaces.
- (f)** The shielding of all outdoor lighting fixtures in the manner described in § 260-29C of this chapter.
- (g)** The minimizing of tree cutting. The applicant is expected to avoid any non-essential tree cutting, modification, or removal, regardless of size, in the visible canopy of the Scenic Overlay. Activities to be avoided include but are not limited to, clear cutting, topping, limbing, or any practices that would harm the health of these trees. “Non-essential” tree cutting shall be understood to mean trees having no fundamental impact on the buildability of the lot, the personal safety of owners or visitors to the property, or the safety of existing structures. The Zoning Enforcement Officer shall be the final arbiter of essential and non-essential tree cutting. Non-essential tree cutting is only allowed where all other measures have been explored and exhausted by the applicant and the tree cutting plan is approved by the Planning Board. Regarding buildability of a lot, scaling down the development should be given priority over removing trees. The Planning Board must approve the planned area of disturbance, and the removal and/or designation of non-essential trees. The removal of dead trees or severely pest damaged trees is allowed.

- (h) While ensuring preservation of the tree canopy and viewshed from below and from a distance, property owners are permitted to preserve the building envelope area that was approved for the property, and maintain the approved clearing around their building(s) for fire safety.
- (i) The Planning Board may require the applicant to supply recent aerial drone footage and drone photos, done by a legally licensed drone operator, of the entire area impacted prior to the approval of the proposed development; and additional drone footage filmed after the completion of the development in the Scenic Overlay District. The comparison of these drone photos may be used by the Planning Board to determine compliance with the SUP requirements.
- (j) The Planning Board may require a balloon test, verified by a Planning Board member, to assess impact of the project to the viewscape prior to approval of the Site Plan.

**(2)** It shall be made part of the special use permit that all future changes to the exterior of any structure shall adhere to the above measures.

**B.** The Planning Board may waive the special use permit required for exterior building permits in the Scenic Overlay District provided that the Planning Board finds that the work to be done is of a minor nature and is consistent with the standards set forth in Subsection **A** above and, due to the elevation and depression of the land, meets either of the following circumstances:

- (1)** The structure or area within the Scenic Overlay District is situated so that it cannot be seen from neighboring escarpments, scenic elevations, roadways, and other aesthetically sensitive areas; and/or
- (2)** The modification for which a building permit is requested will not be seen from neighboring escarpments, scenic elevations, roadways, and other aesthetically sensitive areas.

**C.** The following uses and activities are prohibited in the Scenic Overlay District. Violations of these and/or other standards in Zoning Law § 260-66 pertaining to the Scenic Overlay District, may result in fines and/or cause Special Use Permit(s) from the Planning Board, and/or Certificate(s) of Occupancy from the Building Department to be revoked.

- (1)** All non-essential tree cutting, including clear cutting, commercial logging, topping and limbing of trees in any parcel located within the Scenic Overlay District, destruction of trees as described in § 260-66 (C)(2), violating conditions of the Special Use Permit that affect the viewscape, or commencing or engaging in tree removal/modification on any parcel in the Scenic Overlay District prior to receiving a Special Use Permit to do so, shall be punished by a fine up to \$2,500 per day, beginning two weeks after notification to the property owner via certified mail, or any 2 week period during remediation where planning or implementation is not progressing according to plan and contact with the applicant ceases due to

unavailability of the applicant or the representative to whom the applicant has assigned lead responsibility. The daily fine(s) shall be paused when a satisfactory remediation plan including a timely implementation schedule is approved by the Zoning Enforcement Officer and is being implemented according to that schedule. The fine(s) will be held in escrow, partially refundable, taking into consideration the amount of damage, and the completeness, effectiveness, permanence, and speed of the remediation.

“Non-essential” shall be understood to mean having no fundamental impact on the safety and buildability of the lot, the personal safety of owners or visitors to the property, or the safety of existing structures, where all other measures have been explored and exhausted. Additional description of non-essential regulations is included in § 260-66 (A)(1)(g). Maintenance is addressed in § 260-66 (A)(1)(h).

To enforce the above-provided penalties and punishment and such other remedies as may now or hereafter be provided by law, the Building Inspector may maintain an action or proceeding in the name of the Town in any court of competent jurisdiction to compel compliance with or to restrain by an injunction the violation of such article and to recover, by appropriate civil remedies, any fines, cost, expense or damage sustained by the Town in consequence of such violation.

**(2)** Actions taken which result in the destruction of trees, including but not limited to girdling and/or unauthorized application of herbicides.

**(3)** Personal wireless service facility.

#### **D.** Utilization of a Woodstock Committee in Assisting Enforcement

The Woodstock Town Board shall assign to a committee, for example the Woodstock Tree Committee, the duties of augmenting and assisting the Planning Board and/or Zoning Enforcement Officer in applying the Standards in the Scenic Overlay District. In cases of severe violations, the Planning Board and/or Zoning Enforcement Officer has the option of requiring escrow funds from the applicant to be used to hire an arborist and/or forester to assess the value of the damage caused by unwarranted tree removal. In addition, the arborist and/or forester can be consulted regarding remediation. In an effort to avoid and mitigate any damage from illegal tree modification in the Scenic Overlay District, the Planning Board or Zoning Enforcement Officer may ask this committee for consultation and assistance on an advisory level on assessing issues regarding the enforcement of the Scenic Overlay standards on clear-cutting and excessive topping and limbing of trees. This Committee, or a consulting arborist and/or forester, funded by applicant escrow, may, upon the request of the Planning Board or Zoning Enforcement Officer, conduct annual or semi-annual follow-up visits to applicants to monitor the health/growth of the trees planted towards repairing the viewscape.

#### **SECTION 4 SEVERABILITY**

If any section, sub-section, sentence, clause, phrase, or other part of this Law is, for any reason, held by any court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portion(s) of this Law.

#### **SECTION 5 EFFECTIVE DATE**

This Law shall take effect upon being filed in the Office of the Secretary of State.