

**Agenda of the June Regular Monthly Meeting of the Wilmington Town Board
& PUBLIC HEARING**
Tuesday, June 9, 2026

1. Announcements and reports
 - Springfield Road traffic speed study
 - Hardy Road traffic speed study
 - Greg Winch Park dedication
 - Summer Youth Program
 - Beach opening date
 - Pickleball
2. Resolutions:
 - Negative State Environmental Quality Review Act declaration for Local Law 2 of 2026
 - Declaring the Wilmington Town Board the SEQRA lead agency for Local Law 4 of 2026
- 3. PUBLIC HEARING** on Local Law 2 of 2026: A Local Law to Improve Access to Housing in the Town of Wilmington
4. Discussion / resolution: Local Law 2 of 2026
5. Discussion / resolution: Local Law 4 of 2026: A Local Law Updating the Requirements for Forestry and Large Land-Clearing Operations in the Town of Wilmington
6. Discussion / resolution: Naming a private road
7. Discussion / resolution: Allocation of 2025 Water Department budget surplus
8. Discussion / resolution: Summer employees
9. Discussion: Battery storage moratorium
10. Discussion / resolution: JCN MOU
11. Discussion / resolution: Authorizing the submission of a grant application by the Comprehensive Plan Working Group
12. Discussion / resolution: Routine expenses & transfers
13. Discussion: Employee handbook
14. Public comments
15. Executive session

Please note: This agenda is in draft form and may change.

Resolution _____-2026

WHEREAS the Town Council of the Town of Wilmington, New York, is considering a proposed local law known as Local Law 2 of 2026, which:

- 1) Decreases the minimum permissible square footage of dwelling units from 500 to 400 square feet;
- 2) Decreases the minimum lot size for new manufactured homes from three acres to one acre;
- 3) Increases, emphasizes, and clarifies the town’s land-use boards’ authority to require natural vegetative screening of manufactured homes;
- 4) Prohibits the use of new manufactured homes as short-term rentals, as the term is defined by the town of Wilmington; and
- 5) Reinforces and emphasizes that all new manufactured homes in the town of Wilmington must be attached to a permanent foundation, and clarifies the definition of “permanent foundation”; and

WHEREAS, New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of Local Law 2 of 2026; and

WHEREAS the Wilmington Town Council is the Lead Agency with respect to environmental impact review of the proposed local law, as defined in the State Environmental Quality Review Act and its regulations; and

WHEREAS the Deputy Town Supervisor and the Town Supervisor of the Town of Wilmington have completed Parts I, II, and III of the Department of Environmental Conservation’s Full Environmental Assessment Form, all of which are incorporated by reference hereto, for Local Law 2 of 2026; and

WHEREAS the Town Council of the Town of Wilmington, New York finds that Local Law 2 of 2026 does not change the minimum lot size in any zoning district in the town of Wilmington, will increase housing options for Wilmington residents, and is likely to result in a small increase in the number of single-family homes in the town of Wilmington; therefore

IT IS RESOLVED that Local Law 2 of 2026, if adopted, will not have a significant adverse environmental impact; and therefore THIS NEGATIVE DECLARATION IS APPROPRIATE; and NO FURTHER ENVIRONMENTAL REVIEW IS REQUIRED FOR LOCAL LAW 2 of 2026; and

IT IS FURTHER RESOLVED that Local Law 2 of 2026, if adopted, is consistent with the town’s Local Waterfront Revitalization Program.

Resolution _____-2026

WHEREAS the Town Council of the Town of Wilmington, New York, has received Local Law #4 of the year 2026: A Local Law Updating the Requirements for Forestry and Large Land-Clearing Operation in the Town of Wilmington, and;

WHEREAS Local Law #4 of the year 2026: A Local Law Updating the Requirements for Forestry and Large Land-Clearing Operation in the Town of Wilmington requires review under the New York State Environmental Quality Review Act (SEQRA), per 6 NYCRR Part 617, and;

WHEREAS 6 NYCRR Part 617.2(u) defines “Lead Agency” as “an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required”;

BE IT RESOLVED:

The Town Council of the Town of Wilmington, New York, hereby declares its intent to serve as the Lead Agency with regard to Local Law #4 of the year 2026: A Local Law Updating the Requirements for Forestry and Large Land-Clearing Operation in the Town of Wilmington under the requirements of the State Environmental Quality Review Act, and;

BE IT FURTHER RESOLVED:

The Town Council of the Town of Wilmington, New York, hereby declares Local Law #4 of the year 2026: A Local Law Updating the Requirements for Forestry and Large Land-Clearing Operation in the Town of Wilmington a **Type 1 Action** for the purposes of the State Environmental Quality Review Act.

Local Law 2 of the Year 2026:
A Local Law to Improve Access to Housing in the Town of Wilmington

Be it enacted by the Town Council (“town board”) of the Town of Wilmington (“the town”) as follows:

§1. Authority.

This local law is enacted under the authority granted by the General Municipal Home Rule law of the State of New York.

§2. Legislative Intent.

In January of 2024 the town board of the Town of Wilmington, New York resolved to support the town’s designation as a “Pro-Housing Community.”

In doing so, the town board pledged to streamline permitting for affordable housing and to enact policies to support a broad range of housing development.

In accordance with the town board’s responsibilities for the town’s general welfare and in conformance with the town’s Comprehensive Plan — which states that “The Town Board should consider the task of providing adequate housing for residents of varying income and household characteristics. ... [P]romote more rental and sale units at lower prices ... and encourage the development of additional, long-lasting, quality housing” — the town board begins the work of living up to the town’s designation as a Pro-Housing Community by adopting Local Law 2 of 2026.

§3. Amendment to Article IV of the Town’s Zoning Ordinance

Article IV (“Article IV – Use Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, “Dwelling, Manufactured Home” shall be added to the table of uses in Article IV of the Zoning Ordinance as a Residential Use requiring Site Plan Review in all zoning districts.

§4. Amendment to Article V of the Town’s Zoning Ordinance

Article V (“Article V – Dimensional Regulations”) of the zoning ordinance is hereby amended. Pursuant to the adoption of this local law, Subsection A of Article V (“Additional Density Requirements for Manufactured Homes”) shall read as follows:

- A. Manufactured Homes. In all zoning districts the minimum lot size required for all manufactured homes shall be 1 acre. No more than one manufactured home shall be permitted per lot.

§5. Amendment to Article VI of the Town's Zoning Ordinance

Article VI ("Article VI – General Regulations") of the town's zoning ordinance is hereby amended. Pursuant to the adoption of this local law, the section of Article VI regulating manufactured homes shall be repealed and replaced as follows:

Manufactured Homes

A. Purpose. The purpose of this section is to promote the health, safety, and general welfare of the community, including the protection and preservation of the property of the Town of Wilmington and of its inhabitants by establishing specific requirements and regulations governing the installation of manufactured homes.

B. The installation of the manufactured home shall conform to the requirements of the United States Department of Housing and Urban Development and the New York State building code, and the following additional terms:

(1) All manufactured homes within the Town of Wilmington shall be affixed to a permanent foundation with the wheel and tongue removed. To be considered permanent, a foundation must:

- i) Be constructed of durable materials (concrete, mortared masonry, or treated wood);
- ii) Be site-built;
- iii) Have attachment points to anchor and stabilize the manufactured home to transfer all loads to the underlying soil or rock;
- iv) Have rated anchorage capacity sufficient to prevent uplift and overturning due to wind or seismic forces; screw-in soil anchors are not considered sufficient anchorage;
- v) Have a footing of reinforced concrete of a size sufficient to prevent overloading the soil-bearing capacity and avoid soil settlement, the base of which shall be below maximum frost penetration depth; and
- vi) Enclose a basement or crawl space with a continuous wall (whether bearing or non-bearing) that separates the basement or crawl space from the backfill, and keeps out vermin and water.

(2) All manufactured homes installed within the Town of Wilmington shall be manufactured no more than five years prior to the home's installation.

C. All manufactured homes within the Town of Wilmington shall be ineligible for use, operation, or permitting as a "short-term rental," as the use is defined in the town's Local Law 1 of 2021.

§6. Amendment to Article VI of the Town's Zoning Ordinance

Article VI ("Article VI – General Regulations") of the town's zoning ordinance is hereby amended. Pursuant to the adoption of this local law, Subsection C, titled "Site Improvements and Screening" shall be added to Article VI of the town's zoning ordinance as follows:

C. Screening of manufactured homes

Using the following general guidelines, the Site Plan Review process for manufactured homes should require new manufactured homes to preserve and, where possible, enhance the existing natural and aesthetic qualities of the project site and its environs:

- 1) Preserve existing vegetation where possible;
- 2) Employ careful siting methods so as to minimize the visual impact of manufactured homes.

The Town of Wilmington's land-use boards may require additional measures to enhance the screening of manufactured homes, such as additional setbacks, planting, and fencing.

§7. Amendment to Article VI of the Town's Zoning Ordinance

Article XVI ("Article XVI – Definitions") of the town's zoning ordinance is hereby amended. Pursuant to the adoption of this local law, the definition of "Dwelling Unit" in Article XVI of the town's zoning ordinance shall be repealed and replaced as follows:

DWELLING UNIT – One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household, which shall not be less than 400 square feet. Excluding kitchens, bathrooms and hallways, there shall be a minimum of 70 square feet of habitable area provided for sleeping accommodations.

§8. Removal of References to Mobile Homes

Pursuant to the adoption of this local law, the following reference to “mobile homes” shall be repealed from the Zoning Ordinance of the Town of Wilmington:

1. Article XVI – Definitions: CAMPGROUNDS

Pursuant to the adoption of this local law, the following references to “mobile home(s)” shall be repealed and replaced with the words “manufactured home(s)” in the Zoning Ordinance of the Town of Wilmington:

1. Article VI – General Regulations: Temporary Structures
2. Article XVI – Definitions: PRINCIPAL BUILDING
3. Article XVI – Definitions: STRUCTURE
4. Article XVI – Definitions: TRAVEL TRAILER

§9. Statement of Intent to Supersede

The Town Board hereby declares its legislative intent to supersede any provision of the Zoning Ordinance of the Town of Wilmington, New York, that is inconsistent with the amendments adopted hereby. If any local laws, or parts of any local laws, are inconsistent with any of the provisions of this local law, this local law shall control. The Town’s forms, rules, and regulations shall, to the extent necessary, be updated to reflect these amendments. To the extent any provision of the Zoning Ordinance of the Town of Wilmington, New York, is inconsistent with this local law, this local law shall control.

§10. Severability Clause.

If any provision of this local law is found to be invalid, unenforceable, or illegal, the aforementioned provision shall be ineffective only to the extent of the invalidity, illegality or unenforceability, and the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

§11. Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.

**Local Law #4 of the Year 2026:
A Local Law to Update the Requirements for Forestry and
Large Land-Clearing Operations in the Town of Wilmington**

Be it enacted by the Town Council (“Town Board”) of the Town of Wilmington (“The Town”) as follows:

§1. Authority.

This local law is enacted under the authority granted by the General Municipal Home Rule law of the State of New York.

§2. Legislative Intent.

Adopted in 2013, the Town of Wilmington’s Zoning Ordinance regulates forestry. Sound forestry management practices, including the harvesting of timber, are encouraged by the Town. At the same time, forestry management practices have the potential to cause various disturbances, including the erosion of sediment into surface waters. Additionally, there is the potential under the existing zoning ordinance for landowners to undertake large land clearing projects for the purposes of development or subdivision prior to obtaining necessary Town approvals.

It is the Town Board’s intent through these amendments to the zoning ordinance to encourage sound commercial forestry while ensuring that commercial forestry and large land clearing projects also protect the Town’s natural and aesthetic resources.

These changes are consistent with the Town’s Comprehensive Plan, which provides the relevant goal for the Town: “Encourage pursuits compatible with [the town’s] natural resources. Activities should utilize and enhance these resources, rather than degrade or destroy.” Accordingly, the Town Board finds that these amendments will both support the town’s economic development and improve the quality of life of the community’s residents, and are therefore consistent with the Town Board’s responsibility to protect and improve the community’s well-being.

§3. Definition of Forestry

The definition of Forestry in Article XVI of the town’s zoning ordinance shall be repealed and replaced with the following:

Any forest management practice — including logging of a forest, woodland or plantation; related research and educational activities; the construction, alteration or maintenance of woodroads, skidways, landings, fences, and forest drainage systems; and similar or related activities — that is conducted pursuant to a forest

management plan. A forest management plan shall only be recognized as valid if it is prepared by a professional forester and complies with the best management practices established by the New York State Department of Environmental Conservation. Forestry shall not include either “Land Clearing” as defined in Article XVI of the Town’s zoning ordinance or the first four exemptions to Land Clearing in that definition.

§4. Definition of Land Clearing

Article XVI of the town’s zoning ordinance shall be amended to add “Land Clearing,” which shall be defined as follows:

The clearing of trees or other vegetation from property, including, but not limited to, any such clearing in furtherance of a project or subdivision for which approval is required under this zoning ordinance.

§5. Adding Land Clearing to the Zoning Ordinance’s General Regulations

Article VI of the town’s zoning ordinance shall be amended to add a subsection titled “Land Clearing,” which shall read as follows:

Land Clearing is the clearing of trees or other vegetation from property, including, but not limited to, any such clearing in furtherance of a project or subdivision for which approval is required under this zoning ordinance.

However, Land Clearing as defined in this zoning ordinance shall not include:

1. The harvesting of Christmas trees;
2. Ordinary, reasonable, and routine site clearing conducted in preparation for the construction of a building for which a building permit has been issued;
3. Routine maintenance of land for agricultural purposes;
4. The harvesting of firewood for the personal use of the property owner;
5. Forestry uses as defined in this zoning ordinance.

With respect to any Land Clearing that should have obtained approval under the town’s zoning ordinance prior to its undertaking, in addition to the fines, penalties, stop-work orders and other remedies described in Article XIV of the town’s zoning ordinance, the town’s land-use board(s) shall also have the authority to require the restoration and replanting of cleared vegetation prior to accepting or approving any subsequent applications involving the same or substantially the same real property.

§6. Requirements for Forestry

The existing requirements for Forestry in the table of uses provided in Article IV of the town's zoning ordinance shall be repealed and replaced as follows:

Forestry (more than 5 and less than 25 acres) shall require a Special Use Permit and Site Plan Review in the Hamlet 1 and Hamlet 2 zoning districts, and shall be a permitted use in the Moderate Intensity, Low Intensity, Rural Use and Resource Management zoning districts;

Forestry (more than 10 and less than 25 acres) shall require a Special Use Permit and Site Plan Review in the Hamlet 1, Hamlet 2, and Moderate Intensity zoning districts, and shall be a permitted use in the Low Intensity, Rural Use and Resource Management zoning districts.

Forestry (25 acres or more) shall be a prohibited use in the Hamlet 1 and Hamlet 2 zoning districts and shall require a Special Use Permit and Site Plan Review in the Moderate Intensity, Low Intensity, Rural Use, and Resource Management zoning districts.

§7. Adding Land Clearing to the Table of Uses

Pursuant to the adoption of this local law, the table of uses in Article IV of the Zoning Code shall be amended to add the following as residential, commercial, and industrial uses:

Land Clearing (involving less than two acres) as a permitted use in all zoning districts;

Land Clearing (two or more acres, but less than three acres) as a permitted use in the Moderate Intensity, Low Intensity, Rural Use and Resource Management zoning districts, and as a use requiring Site Plan Review in the Hamlet 1 and Hamlet 2 zoning districts;

Land Clearing (three or more acres, but less than five acres) as a permitted use in the Rural Use and Resource Management zoning districts, and as a use requiring Site Plan Review and a Special Use Permit in the Hamlet 1, Hamlet 2, Moderate Intensity and Low Intensity zoning districts;

Land Clearing (involving more than five or more acres) as a use requiring Site Plan Review and a Special Use Permit in all zoning districts.

§8. Intent to Supersede

The Town Board hereby declares its legislative intent to supersede any provision of the Zoning Ordinance of the Town of Wilmington, New York, that is inconsistent with the amendments adopted hereby.

If any local laws, or parts of any local laws, are inconsistent with any of the provisions of this local law, this local law shall control.

The Town's forms, rules, and regulations shall, to the extent necessary, be updated to reflect this local law.

To the extent any provision of the Zoning Ordinance of the Town of Wilmington, New York, is inconsistent with this local law, this local law shall control.

§9. Effective Date.

The Town of Wilmington Zoning Ordinance, as amended hereby, shall take effect immediately upon its filing in the office of the Secretary of State of the State of New York.

Resolution _____-2026: “Coarding Way”

On motion by _____, seconded by _____ on June 9, 2026, the Town Council of the Town of Wilmington, New York, approved the naming of a new private road located between 5464 New York State Route 86 and the private road named “Kelly’s Way” as “Coarding Way,” by the following roll-call vote:

Cromie:

Follos:

Forbes:

Hooker:

Winch:

Resolution _____-2026: Allocation of 2025 Water Department Fund Balance

Pursuant to the recommendation of the town's Water Superintendent, **IT IS HEREBY RESOLVED** that the Town of Wilmington shall allocate the 2025 Water Department budget surplus / fund balance as follows:

- \$15,188 in the town's Water NYCLASS account for reservoir repairs
- \$10,000 in the town's Water Truck fund
- \$10,000 in the town's Water Equipment fund
- \$10,000 in the town's Water Meters fund
- \$2000 in the town's Water D&M fund
- \$25,000 in the town's Water NYCLASS account

Resolution _____-2026: Summer Staff

IT IS RESOLVED that the Town of Wilmington shall employ the following people at the following hourly rates of pay, with their schedules and responsibilities determined by the Town Supervisor and / or the relevant department head.

Lifeguards:

Janeen Streeter, Head Lifeguard: \$27

Ashley Brousseau, Senior Lifeguard: \$25

Janice Covert : \$25

Hanna Tremblay: \$23

MaKayla Aardsma: \$20

Leslie Archer: \$15.50

Parks laborers / beach attendants

Ryan Bruce: \$16.50

Nick Adragna: \$16.50

Josh Hobday: \$16.50

MaKayla Aardsma: \$16.50

Summer Youth Program:

On-call nurse:

Theresa Bragoli: \$100/week; \$26/hour for site visits.

Counselors:

Bella Ortiz: \$18.50

Ada Ortiz: \$18.50

MaKayla Aardsma: \$18.50

Resolution _____-2026: Memorandum of Understanding with the Jay Community News

IT IS RESOLVED that the Town Supervisor of the Town of Wilmington is hereby authorized to sign the following memorandum of understanding with the owner(s) of the Jay Community News.

Memorandum of Understanding Between the Town of Wilmington & Jay Community News

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the Town of Wilmington (hereinafter referred to as “The Town”) and Jay Community News (hereinafter referred to as “JCN”) for the purpose of effective communication with the residents of Wilmington through the dissemination of emergency updates and routine notices.

JCN agrees to provide timely distribution of emergency updates and routine notices on behalf of The Town to its database of subscribers. This service is intended to enhance community awareness and public safety.

The Town agrees to:

- 1) Provide JCN with timely, accurate, and concise information for dissemination on a routine / as-needed basis, and during emergencies;
- 2) Compensate JCN with a one-time payment of \$500 to support the JCN’s efforts to provide these and other services.

JCN agrees to:

- 1) Distribute emergency updates and routine notices provided by The Town to its subscriber database promptly and accurately;
- 2) Maintain the confidentiality and security of all information shared for this purpose, and;
- 3) Ensure the availability of its communication platform to fulfill the agreement outlined in this MOU.

The Town will provide JCN with \$500 as compensation for its commitment to the responsibilities

outlined herein.

This MOU will remain in effect from the date below signed through December 31, 2026.

Either party may terminate this MOU with 30 days written notice to the other party.

This MOU may be amended upon mutual agreement of both parties. Any amendments must be in writing and signed by both parties.

The Town understands that JCN reserves the right to edit all submissions provided by the Town prior to publication / dissemination.

By signing below, the parties agree to the terms of this MOU.

For the Town of Wilmington:

Tim Follos
Supervisor of the Town of Wilmington

Date: _____

For the Jay Community News:

Signature: _____

Printed name: _____

Title: _____

Date: _____

Resolution _____-2026: A Resolution Authorizing the Submission of a Grant Application for the Purpose of Updating Wilmington’s Comprehensive Plan

WHEREAS the New York State Department of State is making grant funds available in 2026 through the Environmental Protection Fund (EPF) Smart Growth Community Planning Grant Program to support entire towns, villages, cities, and counties in preparing comprehensive plans that establish land use policies and promote smart growth principles; and

WHEREAS the Town of Wilmington is proposing to undertake the updating of its comprehensive plan in order to assess current land use policies and establish new policies that more accurately reflect Wilmington’s current conditions, needs, and opportunities and that incorporate smart growth principles; and

WHEREAS the Town of Wilmington intends to submit a grant application to request funding through the 2026 EPF Smart Growth Community Planning Grant Program, with a minimum of 25% local match requirement, to the NYS Department of State’s EPF Smart Growth Community Planning Grant Program; therefore

IT IS RESOLVED that the Wilmington Town Council hereby authorizes the submission of a grant application on behalf of the Town of Wilmington, including provision of the minimum 25% local match requirement, to request state funding for the purposes of reimbursing the Town of Wilmington for expenses related to Town-sponsored activities for collecting public input, for the hiring of a consultant to coordinate a community-based planning process and prepare an update to the Wilmington comprehensive plan, and for any other expenses related to project management; and

IT IS FURTHER RESOLVED that the Town Supervisor of the Town of Wilmington is hereby authorized to execute all necessary documents relating to the New York State Department of State’s 2026 EPF Smart Growth Community Planning Grant Program application.

Local Law 2 of the Year 2026:
A Local Law to Improve Access to Housing in the Town of Wilmington
“B”

Be it enacted by the Town Council (“town board”) of the Town of Wilmington (“the town”) as follows:

§1. Authority.

This local law is enacted under the authority granted by the General Municipal Home Rule law of the State of New York.

§2. Legislative Intent.

In January of 2024 the town board of the Town of Wilmington, New York resolved to support the town’s designation as a “Pro-Housing Community.”

In doing so, the town board pledged to streamline permitting for affordable housing and to enact policies to support a broad range of housing development.

In accordance with the town board’s responsibilities for the town’s general welfare and in conformance with the town’s Comprehensive Plan — which states that “The Town Board should consider the task of providing adequate housing for residents of varying income and household characteristics. ... [P]romote more rental and sale units at lower prices ... and encourage the development of additional, long-lasting, quality housing” — the town board begins the work of living up to the town’s designation as a Pro-Housing Community by adopting Local Law 2 of 2026.

§3. Amendment to Article XVI of the Town’s Zoning Ordinance

Article XVI (“Article XVI – Definitions”) of the Zoning Ordinance of the Town of Wilmington (hereinafter “the zoning ordinance”) is hereby amended. Pursuant to the adoption of this local law, the following words shall be added to Article XVI of the town’s zoning ordinance:

Dwelling, Tiny House – A dwelling unit of less than _____square feet.

§4. Amendment to Article IV of the Town’s Zoning Ordinance

Article IV (“Article IV – Use Regulations”) of the zoning ordinance is hereby amended.

Pursuant to the adoption of this local law, “Dwelling, Tiny House” shall be added to the table of uses in Article IV of the Zoning Ordinance as a Residential Use requiring Site Plan Review in the Hamlet 1, Hamlet 2, and Moderate Intensity zoning districts.

§5. Amendment to Article IV of the Town’s Zoning Ordinance

Article IV (“Article IV – Use Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, “Dwelling, Manufactured Home” shall be added to the table of uses in Article IV of the Zoning Ordinance as a Residential Use requiring Site Plan Review in all zoning districts.

§6. Amendment to Article V of the Town’s Zoning Ordinance

Article V (“Article V – Dimensional Regulations”) of the zoning ordinance is hereby amended. Pursuant to the adoption of this local law, Subsection A of Article V (“Additional Density Requirements for Manufactured Homes”) shall read as follows:

A. Manufactured Homes. In all zoning districts the minimum lot size required for all manufactured homes shall be 1 acre. No more than one manufactured home shall be permitted per lot.

§7. Amendment to Article V of the Town’s Zoning Ordinance

Article V (“Article V – Dimensional Regulations”) of the town’s zoning ordinance is hereby amended. Article V shall be amended to add a new section titled “Additional Density Requirements for Tiny Houses,” which shall read as follows:

A. Tiny Houses. The minimum lot size required for all tiny houses shall be 1 acre. No more than one tiny home shall be permitted per lot.

§8. Amendment to Article VI of the Town’s Zoning Ordinance

Article VI (“Article VI – General Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, the section of Article VI regulating manufactured homes shall be repealed and replaced as follows:

Manufactured Homes

A. Purpose. The purpose of this section is to promote the health, safety, and general welfare of the community, including the protection and preservation of the property of the Town of Wilmington and of its inhabitants by establishing specific requirements and regulations governing the installation of manufactured homes.

B. The installation of the manufactured home shall conform to the requirements of the United States Department of Housing and Urban Development and the New York State building code, and the following additional terms:

(1) All manufactured homes within the Town of Wilmington shall be affixed to a permanent foundation with the wheel and tongue removed. To be considered permanent, a foundation must:

i) Be constructed of durable materials (concrete, mortared masonry, or treated wood);

ii) Be site-built;

iii) Have attachment points to anchor and stabilize the manufactured home to transfer all loads to the underlying soil or rock;

iv) Have rated anchorage capacity sufficient to prevent uplift and overturning due to wind or seismic forces; screw-in soil anchors are not considered sufficient anchorage;

v) Have a footing of reinforced concrete of a size sufficient to prevent overloading the soil-bearing capacity and avoid soil settlement, the base of which shall be below maximum frost penetration depth; and

vi) Enclose a basement or crawl space with a continuous wall (whether bearing or non-bearing) that separates the basement or crawl space from the backfill, and keeps out vermin and water.

(2) All manufactured homes within the Town of Wilmington shall have wooden steps or decking for all entrances.

(3) All manufactured homes installed within the Town of Wilmington shall be manufactured no more than five years prior to the home's installation.

C. All manufactured homes within the Town of Wilmington shall be ineligible for use, operation, or permitting as a "short-term rental," as the use is defined in the town's Local Law 1 of 2021.

§9. Amendment to Article VI of the Town’s Zoning Ordinance

Article VI (“Article VI – General Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, the following subsection shall be added to Article VI:

Tiny Homes: Except for tiny homes that fulfill the Zoning Ordinance’s definition of an accessory structure to a residential use, tiny homes shall be ineligible for use, operation, or permitting as a “short-term rental,” as the use is defined in the town’s Local Law 1 of 2021.

§10. Amendment to Article VI of the Town’s Zoning Ordinance

Article VI (“Article VI – General Regulations”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, Subsection C, titled “Site Improvements and Screening” shall be added to Article VI of the town’s zoning ordinance as follows:

C. Screening of manufactured and tiny homes

Using the following general guidelines, the Site Plan Review process for both tiny houses and manufactured homes shall require new tiny homes and new manufactured homes to preserve and, where possible, enhance the existing natural and aesthetic qualities of the project site and its environs:

- 1) Preserve existing vegetation where possible;
- 2) Employ careful siting methods so as to minimize the visual impact of tiny houses and manufactured homes.

The Town of Wilmington’s land-use boards may require additional measures to enhance the screening of manufactured and tiny homes, such as additional setbacks, planting, and fencing.

§11. Amendment to Article VI of the Town’s Zoning Ordinance

Article XVI (“Article XVI – Definitions”) of the town’s zoning ordinance is hereby amended. Pursuant to the adoption of this local law, the definition of “ Dwelling Unit” in Article XVI of the town’s zoning ordinance shall be repealed and replaced as follows:

DWELLING UNIT – One or more rooms with provision for living, cooking, sanitary and sleeping facilities arranged for the use of one family or household, which shall not be less than 400 square feet. Excluding kitchens, bathrooms and hallways, there shall be a minimum of 70 square feet of habitable area provided for sleeping accommodations.

§12. Removal of References to Mobile Homes

Pursuant to the adoption of this local law, the following reference to “mobile homes” shall be repealed from the Zoning Ordinance of the Town of Wilmington:

1. Article XVI – Definitions: CAMPGROUNDS

Pursuant to the adoption of this local law, the following references to “mobile home(s)” shall be repealed and replaced with the words “manufactured home(s)” in the Zoning Ordinance of the Town of Wilmington:

1. Article VI – General Regulations: Temporary Structures
2. Article XVI – Definitions: PRINCIPAL BUILDING
3. Article XVI – Definitions: STRUCTURE
4. Article XVI – Definitions: TRAVEL TRAILER

§13. Statement of Intent to Supersede

The Town Board hereby declares its legislative intent to supersede any provision of the Zoning Ordinance of the Town of Wilmington, New York, that is inconsistent with the amendments adopted hereby.

If any local laws, or parts of any local laws, are inconsistent with any of the provisions of this local law, this local law shall control.

The Town’s forms, rules, and regulations shall, to the extent necessary, be updated to reflect these amendments.

To the extent any provision of the Zoning Ordinance of the Town of Wilmington, New York, is inconsistent with this Local Law, this Local Law shall control.

§14. Severability Clause.

If any provision of this local law is found to be invalid, unenforceable, or illegal, the aforementioned provision shall be ineffective only to the extent of the invalidity, illegality or unenforceability, and the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

§15. Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York.