

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The definition of Forestry in Article XVI of the town’s zoning ordinance shall be repealed and replaced with the following: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