

**Town of Walton
129 North Street
Walton, NY 13856**

Call to Order 6:00 PM

11 December 2023

- 1. Pledge of Allegiance – Carly Walas**
- 2. Invocation**
- 3. Floor time**
- 4. Approval of Minutes – 13 November 2023**
- 5. Highway Report:**
- 6. Assessor, Code, Dog Control, FEMA Coordinator -**
- 7. Town Clerk Report:**
- 8. Supervisor Report:**

Local Law - Accessory Dwellings

Building Fee Schedule

Committee/Council Reports

Public Works	Armstrong/Govern
Finance & Insurance	Wood/Govern
Legal & Ordinance	Govern/Wood
Land Use & Village Liaison	Rodriguez/Wood
Personnel	Govern/Armstrong
Union Negotiations	Cetta/Armstrong
Building & Grounds	Cetta/Armstrong
Technology	Wood/Rodriguez
Emergency Disaster	Cetta/Govern
Historical	Rodriguez/Armstrong

- 9. Approval of Abstracts:**

Executive Session: Anticipated Discussion of Contractual Agreement

Martin J. Way, Jr.
Dog Control Officer, Town of Walton
129 North Street Walton,
New York 13856
November 2023
Dog Control Activity Summary

Complaints	5
Dogs Seized	0
Returned to Owner	0
Humane Society	0
Dangerous Dogs	0
Tickets Issued	7
Total Redemption Fees	0
Help requested / Assistance	1
Mileage	31 Miles

Town of Walton
Code Enforcement Office
Garrett Newbauer

Monthly Summary Report
November 2023

Building Permits Issued	9
Building Inspections Completed	0
Fire Inspections Completed	0
Notices of Violation Issued	0
Tickets Issued	0
Certificates Issued	6
Complaints Received	1
Floodplain Development	
Permits Issued	0
CO Searches	6

TOWN CLERK'S MONTHLY REPORT

TOWN OF WALTON, NEW YORK
TO THE SUPERVISOR:

NOVEMBER '2023

Pursuant to Section 27, Subd. 1 of the Town Law, I hereby make the following statement of all the fees and money received by me in connection with my office during the month above stated, excepting only such fees and monies the application and payment of which are otherwise provided for by law.

RECEIPTS

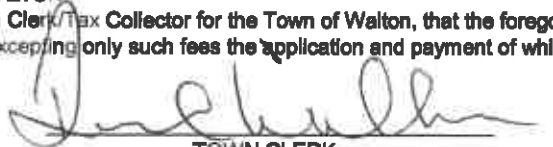
	BEGINNING BALANCE	\$2,140.75
DA2665 SALE OF HWY EQUIPMENT		
A2401 INTEREST FROM NBDC	\$1.87	
A2545 MARRIAGE LICENSES		
A2545 MARRIAGE, DEATH, BIRTH CERTIFICATES	\$60.00	
A2545 GENEALOGY		
B2555 BUILDING PERMITS	\$1,580.00	
A1255 MISC. FEES	\$3.00	
A2544 DOG LICENSES	\$358.00	
	PETTY CASH FROM TAXES	
A1010-1090 REAL PROPERTY TAX		
A2665 SURPLUS ITEMS		
A1090 REAL PROPERTY PENALTIES		
DB2545 HWY. DEPARTMENT		
DA2655 HWY. SLUICE		
A2545 DECALS	\$1,577.00	
A1170 FRANCHISE		
B2770 ZONING/PLANNING		
B2110 ZBA FEES		
B2115 PLANNING FEES		
	TOTAL RECEIPTS	\$3,579.87
	GRAND TOTAL	\$5,720.62

DISBURSEMENTS

DECALS	\$536.70	
TOWN CLERK FEES/INTEREST TO SUPERVISOR	\$1,036.55	
53% OF DOG LICENSE TO SUPERVISOR	\$461.00	
TOWN TAX REVENUES TO SUPERVISOR		
AMOUNT PAID TO DEPT. OF AG. & MARKET	\$84.00	
AMOUNT PAID TO COUNTY FOR DOG FEES		
AMOUNT PAID TO STATE HEALTH FOR MARRI	\$22.50	
TOWN TAX TO COUNTY TREASURER		
NSF CHECKS		
REFUNDS		
OTHER (POST OFFICE)		
	TOTAL DISBURSEMENTS	\$2,140.75
	NET BALANCE	\$3,579.87
	BANK BALANCE	\$3,145.87
	LESS OUT STANDING CHECKS	\$7.00
	(+) OUTSTANDING DEPOSITS	\$441.00
	ENDING BALANCE	\$3,579.87

STATE OF NEW YORK, COUNTY OF DELAWARE, TOWN OF WALTON

Ronda Williams, being duly sworn, says that she is the Town Clerk/Tax Collector for the Town of Walton, that the foregoing is a full and true statement during the month above stated, excepting only such fees the application and payment of which is otherwise provided for by law.



TOWN CLERK

Town Supervisors Monthly Statement To Town of Walton Board Members

Pursuant to Section 52 of the Town Law, the following is a statement of monies received and disbursed by the Town Supervisor during the month of NOVEMBER 2023.

Fund	General Townwide (A)	General Outside (B)	Highway Townwide (DA)	Highway Outside (DB)	Good Neighbor (H)	Risk Retention (H)	Disaster Recovery (H)
RECEIPTS							
Balances First of Month							
Savings	\$ 819,889.92	\$ 73,227.00	\$ 729,080.12	\$ 616,168.73	\$ -	\$ -	
WAYNE BANK							
Checking	\$ 400.63	\$ 55.05	\$ 1,736.23	\$ 468.72			
TAXES/Penalty							
Interest	\$ 1,280.09	\$ 118.87	\$ 1,150.84	\$ 986.44			
Justice Fires	\$ 3,441.00						
Town Clerk Report	\$ 61.55						
Dog Licenses	\$ 461.00						
Building Permits		\$ 925.00					
MORTGAGE TAX	\$ 20,964.55						
REIMBURSEMENT	\$ 11,250.00						
CELL TOWER RENTAL	\$ 6,021.38						
PLANNING/ZONING FEE		\$ 50.00					
FRANCHISE							
STATE AID							
DRIVEWAY PERMIT							
GRANT							
HYDRO SEEDER							
FEMA							
Interest on Checking	\$ 126.13	\$ 0.88	\$ 32.75	\$ 33.54			
TOTAL REVENUE	\$ 43,605.70	\$ 1,094.75	\$ 1,183.59	\$ 1,019.98	\$ -	\$ -	\$ -

DISBURSEMENTS **A** **B** **DA** **DB** **H** **H** **H**

Payroll Transfers \$ 32,479.56 \$ 3,334.59 \$ 32,083.43
 General Checking (A/B) \$ 86,747.32 \$ 561.68 \$ 33,275.89 \$29,234.02
 TRANSFER
 BANK FEE
 INTUIT

TOTAL PAYMENTS \$ 119,226.88 \$ 3,896.27 \$ 65,359.32 \$ 29,234.02 \$ - \$ - \$ -
Balances End of Month \$ 744,669.37 \$ 70,480.53 \$ 666,640.62 \$ 588,423.41 \$ - \$ - \$ -

Reconciled Checking \$ 984.14 \$ 55.93 \$ 1,768.98 \$ 502.26

Savings \$ 743,685.23 \$ 70,424.60 \$ 664,871.64 \$ 587,921.15 \$ - \$ - \$ -
 ARPA FUNDS \$91,053.61
 BOB GOULD O&M \$10,484.07
 OXBOW HOLLOW O&M \$18,716.32
 WALTON MT. O&M \$12,824.37
 CWC MURPHY HILL \$23,440.52
 HYDRO SEEDER- RESER \$4,119.53

Certificate of Deposit
 Bank/Rate WAYNE/5.30% WAYNE/5.00%
 Length 12-MONTH CD 12-MONTH CD
 Amount 333,180.16 \$ 322,595.44
 WAYNE/3.00% WAYNE/3% WAYNE/5.00%
 15-MONTH CD 1-Year 12-MONTH
 \$5,858.23 \$12,446.69 \$439,591.95

Presented, Local Law XX of 2023, Amending Chapter 200 of the Code of the Town of Walton as follows:

Be it enacted by the Town Board of the Town of Walton as follows:

Section 1

Pursuant to, and in accordance with, the provisions of the New York State Municipal Home Rule Law and the New York State General Municipal Law, Article 18, §808, the Town of Walton Town Board amends Chapter 200, Zoning, to modify section 200-39 Minimum habitable floor area, and to add a new section 200-xxx Accessory Dwelling Units, of the Code of the Town of Walton as follows:

§ 200-39 Minimum Habitable Floor Area.

- A. One-family and two-family dwellings shall have a habitable floor area of at least 500 square feet per dwelling unit. An accessory dwelling unit shall have a habitable floor area of at least 350 square feet and a maximum habitable floor area of 900 square feet.
- B. No habitable rooms are permitted in basements of multiple-family dwellings unless a separate outside entranceway is provided to all habitable areas.

§ 200-xxx Accessory Dwelling Units.

C. Purpose and Intent

It is the specific purpose of this law to aid the general welfare of the Town by providing a variety of housing opportunities; particularly:

- a. for our aging population to “age in place”
- b. to create housing expansion for our local workforce
- c. to provide options for young and older families
- d. to allow the more efficient use of the town’s existing stock of dwellings and accessory structures
- e. to provide economic support for resident families of limited income; and
- f. to protect and preserve property values while preserving the rural character of the town.

D. Definitions

As specifically apply to this section

ACCESSORY DWELLING UNIT – A subordinate dwelling unit having its own kitchen and bathroom facilities located either within the principal residence unit, (inclusive of garage if attached thereto), or within an approved detached accessory structure and meeting the requirements of habitable space as defined by the New York State Uniform Fire Prevention and Building Code. For the purpose of this code, accessory dwelling units shall have a maximum number of one bedroom.

FLOOR AREA, GROSS – The sum of the gross horizontal areas of the several floors of the building or buildings on a lot measured from the exterior faces of exterior walls or from the centerline of party walls separating two buildings, excluding cellar and basement areas used only for storage or for the operation and maintenance of the building.

PRIMARY DOMICILE – A resident's true, principal, and permanent home and a legal construct used to determine where a resident votes, files lawsuits, pays taxes, claims benefits, and obliges governmental authority.

PRINCIPAL DWELLING UNIT – A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, including any domestic servants employed on the premises, and having no enclosed space (other than vestibules, entrance or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit.

HABITABLE SPACE – Space occupied within a dwelling unit for the purposes of living as defined by requirements of the New York State Building Code.

E. Authorization.

The Town Board authorizes the Code Enforcement Officer to issue zoning determination to property owners per the provisions of this local law. All accessory dwelling units are subject to requirements for residential building permits.

F. Zoning Districts.

Accessory Dwelling Units as defined herein shall be permitted in the R-2 and R-5 zoning districts as a permitted accessory use. To apply for a permit, the accessory dwelling unit shall be located on the same parcel as the primary residential dwelling unit. In the determination of permitting, the construction or conversion intended to create an accessory dwelling unit shall demonstrate that is clearly incidental and secondary to the primary residential dwelling unit so as to preserve the appearance of the primary dwelling and the single-family character of the primary residential dwelling unit and of its neighborhood. The accessory dwelling unit shall always be considered an accessory use and subordinate to the primary residential dwelling unit.

G. Lot Requirements.

The following lot requirements shall apply:

1. An accessory dwelling unit located in the principal dwelling unit, having common foundation with the primary dwelling unit, connected to the principal structure shall not be included in the density calculation as permitted under the schedule of district regulations.
2. An accessory dwelling unit located in a legally built detached structure, preexisting or new construction, shall require a fifty (50) percent additional density calculation as permitted under the schedule of district regulations.
3. A detached structure where an accessory dwelling unit is proposed shall meet the setbacks for the zoning district in which it is located or be granted an area variance.
4. All other standards of the schedule of district regulations shall apply.

H. Prohibitions.

Accessory dwelling units shall be prohibited:

1. On parcels utilized for two family or multifamily dwelling units.
2. On parcels where the principal use is commercial or industrial.
3. On parcels with an existing or proposed primary dwelling unit that are non-conforming with regards to lot size.
4. Accessory dwelling units shall not be permitted as a Short-Term Transient Rental Use.

I. Owner Occupancy.

The owner of the parcel on which an Accessory Dwelling Unit is located shall maintain their primary domicile in either the principal or the accessory dwelling unit. The owner of the parcel shall file with the Code Enforcement Officer on or before July 1st of each year an affidavit in the form prescribed by the Town Attorney certifying that the primary and accessory units are in compliance with the occupancy standards and the other requirements of this section.

J. Certificate of Occupancy.

An accessory dwelling unit may not be located on a parcel where a current building violation exists unless the legalization or creation of the accessory dwelling unit will cure the violation. All accessory dwelling units shall be on a permanent foundation.

K. Maximum Gross Floor Area.

An accessory dwelling unit shall contain a minimum of 350 sq. ft. and shall not exceed a maximum of 900 sq. ft.

The accessory dwelling unit shall be subordinate to the principal dwelling unit and shall not exceed 40% of the gross floor area of the principal dwelling unit or 900 sq. ft., whichever is more restrictive (lesser), subject to the minimum square footage.

L. Number of Accessory Apartments.

A maximum of one accessory dwelling unit shall be permitted on each qualifying parcel.

M. Construction.

Both the accessory dwelling unit and the principal dwelling unit shall meet the requirements of the New York State Uniform Fire Prevention and Building Code and New York State Department of Health Code.

N. National or State Register Designated Historic District Properties.

Upon building application for an accessory dwelling unit, the Code Enforcement Officer shall determine if the project is within or adjacent to a National or State Registered Historic District, Site, or Structure. If it is determined that the proposed project is located within a National or State Registered Historic District, Site, or Structure the application shall be referred to the New York State Historic Preservation Office for review and commentary.

O. Septic.

Accessory dwelling units shall require Department of Health approval for septic, prior to issuance of building permit(s) and Certificate of Occupancy. Additionally, if the parcel is located within the New York City watershed NYC DEP approval is required prior to issuance of building permit(s) and Certificate of Occupancy.

P. Parking.

No additional driveway (curb cut) shall be created for the primary purpose of serving the accessory dwelling unit. Adequate off-street parking as required by Chapter § 200-34 shall be provided for both uses and such parking shall not be located in the front yard setback.

Q. Fire and Safety Inspection.

Accessory dwelling units shall require a biennial fire and safety inspection.

R. Removal of Accessory Apartment.

When an owner wishes to eliminate an accessory dwelling unit, proof of the removal of the second kitchen and the restoration to the status before the conversion shall be submitted to the satisfaction of the Code Enforcement Officer.

Section 2 Schedule of District Regulations Amendment

Article IV of the Code of the Town of Walton entitled "District Regulations" shall be amended to add in the column labeled Accessory Uses the use "Accessory Dwelling Units" in the following zoning districts:

1. R-2 Rural II District
2. R-5 Rural V District

Section 3 Severability.

If any part or provisions of this local law is judged invalid by any court of competent jurisdiction, such judgement shall be confined in application to the part or provision directly on which judgement shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of this law even without such part or provision or application.

Section 4 Effective Date.

This local law shall become effective immediately upon the filing in the office of the New York State Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

History

Presented:

Discussion:

Amendments:

SEQRA:

Referrals:

Public Hearing:

Vote: