

Town of Wallkill, NY
Wednesday, July 30, 2025

Chapter 249. Zoning

Article VI. Regulations Pertaining to Commercial Districts

§ 249-26. HC Highway Commercial District.

[Amended 2-11-1982 by L.L. No. 1-1982; 8-25-1983 by L.L. No. 10-1983; 2-25-1988 by L.L. No. 4-1988; 12-27-1990 by L.L. No. 18-1990; 10-24-1996 by L.L. No. 8-1996; 7-26-2007 by L.L. No. 15-2007; 5-26-2016 by L.L. No. 11-2016]

A. Purpose. The Highway Commercial District is intended to provide areas suitable for small- to medium-scale retail, office and service operations serving local needs.

B. Permitted uses.

(1) Financial institutions.

(2) Offices.

(3) Public uses.

(4) Places of worship.

[Amended 8-26-2021 by L.L. No. 6-2021]

(5) Retail.

(6) Service and repair shops.

(7) Sales and repair of boats, ATVs, motorcycles, small engines commonly used in off-road vehicles or landscape equipment, snowmobiles and personal watercraft.

[Added 4-9-2015 by L.L. No. 1-2015^[1]]

[1] *Editor's Note: This local law also provided that it would apply to all properties and property applications within the Town of Wallkill that were pending as of 10-10-2013 and thereafter.*

C. Special permit uses.

(1) Clubs and lodges.

(2) Day care and nurseries.

(3) Eating and drinking establishments.

(4) Funeral parlors and mortuaries.

(5) Gasoline filling and service stations.

(6) Hotels/motels.

(7) Schools, vocational.

(8) Schools.

(9) Shopping centers.

- (10) Single-family residences.
- (11) Theaters, including drive-ins.
- (12) Veterinary hospitals.
- (13) Rental car agencies, provided that the following criteria are met:
[Added 5-26-2016 by L.L. No. 9-2016]
 - (a) The proposed agency must have an inventory of 20 vehicles available for rent at all times.
 - (b) All vehicles available for rent shall be parked in the back of the facility and must not be visible from the road on which the agency is located. No vehicles shall be stored in the front of the facility, although vehicles that have been rented may be brought to the front of the building for delivery to customers.
 - (c) No vehicles shall be more than two model years old.
 - (d) The proposed agency office must be located in a facility with a minimum square footage of 15,000 square feet and utilize no more than 25% of the usable space in said facility.
- (14) Self-storage facilities, provided that the following criteria are met:
[Added 5-26-2016 by L.L. No. 9-2016]
 - (a) The self-storage facility must be constructed within an existing building in the Town.
 - (b) The exterior of the existing building cannot be altered or expanded by virtue of the construction of the self-storage facility.
 - (c) No individual self-storage units may be visible from the road on which the facility is located.
 - (d) Existing buildings in which self-storage facilities are located must contain a minimum of 25,000 square feet and a maximum of 80,000 square feet.
 - (e) A minimum 25% of the usable space of any building containing storage facilities must be used for another permitted purpose.
 - (f) With respect to newly constructed buildings, 25% of the usable space within such buildings with a minimum size of 10,000 square feet may be used for self-storage.

D. Accessory uses and structures. Accessory uses that are customarily incidental to an allowed principal use may be allowed in this district and must comply with the regulations and standards of this chapter. All accessory structures shall be subject to the same area and bulk requirements as are required for principal structures within such districts.

E. Area and bulk requirements. The following table represents the baseline requirements, and in some cases, additional standards may apply (e.g., special permit uses or through overlay districts).

Minimum required	Type of Lot ¹		
	A	B	C
Lot area (square feet)	10,000	15,000	20,000 ²
Lot width (feet)	100	100	130
Lot depth (feet)	100	100	120
Front yard (feet)	35	35	35
Rear yard (feet)	40	40	40
One side yard (feet)	20	20	20
Both side yards (feet)	30	30	30
Floor area (square feet)	600	600	600

Minimum required**Type of Lot¹****A****B****C****Maximum permitted**

Building height (feet)

35

35

35

NOTES:¹ A: Lots served by a public sewerage and a public water system.

B: Lots served by a public sewerage system, but not served by a public water system.

C: Lots not served by a public water system or a public sewerage system.

² For residential construction, refer to § **249-20D**.**F. Mandatory buffer of preexisting residential structures.**

(1) All nonresidential development shall provide buffering for adjacent, preexisting residential uses. In general, this buffering shall be developed to alleviate the impact of nonresidential development, including but not limited to:

(a) Light;

(b) Parking and loading areas;

(c) Noise and odor;

(d) Location of ancillary equipment such as dumpsters and HVAC; and

(e) Traffic flow and light glare from vehicles.

(2) Buffer area. The area of buffer shall be commensurate with the potential impact to neighboring properties.

(3) Review process. During site plan review, development applicants shall provide a buffering plan demonstrating how the project will alleviate any potential adverse impacts to adjacent, preexisting residential structures. The Planning Board shall review the buffer plan and reject for resubmittal, accept, or accept with modifications. In all cases, the Planning Board review shall include review by the Town's landscape architect.

G. Fences.

(1) The Planning Board shall determine the need, placement, type and height of all fencing.

H. Site plan approval.

(1) A site plan showing the location of buildings, signs and other improvements including off-street parking facilities, truck loading spaces, landscaping and access to all public rights-of-way shall be submitted to the Planning Board for approval prior to the issuance of a building permit. The procedures and requirements set forth in § **249-38** of this chapter shall be adhered to.