

§ 249-19. RA Rural Agricultural District.

A. Permitted uses.

- (1) One-family detached dwellings, not to exceed one such dwelling per lot.
- (2) Growing of crops, orchards, and the grazing of livestock, and appurtenant structures customarily associated with agricultural use, including, but not limited to, barns, greenhouses, and equipment sheds. Notwithstanding anything contained in § 249-3 of this Code, accessory structures on properties within this zone may be sized as follows: **[Amended 11-30-2005 by L.L. No. 11-2005; 4-9-2015 by L.L. No. 1-2015¹]**
 - (a) Up to 784 square feet with a five-foot setback from all property lines;
 - (b) Between 785 and 1,400 square feet with a ten-foot setback from all property lines;
 - (c) Between 1,401 and 1,800 square feet with a fifteen-foot setback from all property lines.
- (3) Buildings, structures and uses owned and operated by the Town of Wallkill.
- (4) On lots which have the ability (enough acreage) to be subdivided, in accordance with the environmental control formula, a second detached dwelling shall be permitted.
 - (a) Both units must be under common ownership.
 - (b) Both units must have the ability to meet all of the yard and size requirements of the RA District.
 - (c) If, in the future, the building is to be sold, subdivision approval must be obtained from the Planning Board.

B. Accessory uses.

- (1) The keeping of livestock, other than pigs and mink. **[Amended 12-11-1997 by L.L. No. 8-1997]**
 - (a) The minimum lot size for the keeping of livestock shall be 80,000 square feet for up to one such animal. One additional livestock may be kept for each additional 40,000 square feet of lot size.
 - (b) No structure for such use shall be located nearer than 100 feet to any property line nor nearer than 200 feet to any residential district line, except where said structure is 26 feet or less in height, measured from the ground to its highest point, in which case said structure shall not be located any nearer than 50 feet to any property line nor nearer than 100

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.

feet to any residential district line. **[Amended 11-14-2002 by L.L. No. 9-2002]**

- (c) The keeping of pigs and/or mink is not authorized by this section but, where now existing as a nonconforming use, may be continued under the restrictions imposed by the ordinance entitled, "Ordinance Regulating the Keeping of Swine or Mink in the Town of Wallkill, Orange County," dated August 13, 1959,² and the regulations for keeping pigs for home consumption, on farm premises, as stated therein, continue to apply.
- (2) The keeping of fowl.
 - (a) The minimum lot size shall be 10 acres, except where no more than six fowl are kept for noncommercial purposes, in which case the minimum lot size shall be 80,000 square feet. **[Amended 11-14-2002 by L.L. No. 9-2002]**
 - (b) No structure for such use shall be located nearer than 100 feet to any property line nor nearer than 200 feet to any residential district line.³
- (3) The keeping of dogs, cats or rabbits. Not more than six dogs, cats or rabbits over six months old may be harbored per dwelling unit. **[Amended 12-11-1997 by L.L. No. 8-1997]**
- (4) The sale of agricultural products on the premises where the principal use is agriculture may be conducted within a seasonal roadside stand located on such premises.
 - (a) Such stand shall not exceed one story in height.
 - (b) Such stand shall not exceed 1,000 square feet in total floor area.
 - (c) One sign shall be permitted, in accordance with the pertinent provisions of § 249-11, only during the period of operation.
- (5) A veterinary hospital, in conjunction with a permitted agricultural operation. **[Amended 12-27-1990 by L.L. No. 18-1990]**
 - (a) Any kennels, runs or similar animal housing shall comply with the following:
 - [1] Said uses shall be solely for use by animals undergoing hospital care.
 - [2] Said uses shall be placed a minimum of 100 feet from any lot line and shall be fenced.
 - [3] Said uses shall be screened from all surrounding properties.

2. Editor's Note: See Ch. 70, Animals, Art. II, Swine and Mink.

3. Editor's Note: Former Subsection B(3), regarding the keeping of domestic animals other than dogs or cats, which immediately followed, was repealed 12-11-1997 by L.L. No. 8-1997.

- (b) All animals shall be confined in suitably enclosed and ventilated buildings between the hours of sunset and 7:00 a.m.
- (6) The outside storage of farm and earthmoving equipment, provided that such equipment is kept beyond the required minimum front yard.
- (7) Private garage.
- (8) The renting of rooms, by a resident family, in a one-family dwelling for rooming or boarding purposes only. Accommodations by no more than four roomers can be provided in each dwelling.
- (9) In conjunction with a permitted use or an existing nonconforming use, one truck trailer may be placed on a parcel to be used for storage purposes only. The placement of the truck trailers must meet all applicable setback requirements, and they must be so placed as to not cause an unnecessarily adverse effect on the use and enjoyment of any adjacent properties, except that, in conjunction with an agricultural farm use, the total number of such truck trailers permitted per parcel will be based on the functionality of the site and the plan submitted. **[Added 2-25-1988 by L.L. No. 4-1988]**
 - (a) A site plan must be submitted and approved by the Town Planner prior to any such storage truck trailer being placed on a property. Said site plan shall contain such maps as are necessary to show the proposed locations and their relationship to the existing structures, off-street parking and vehicular and pedestrian access.
 - (b) Such approvals shall be valid for one year from the date of approval. They may be renewed for additional one-year periods.
 - (c) No hazardous materials shall be placed or stored in any such storage truck trailers.
 - (d) All such storage truck trailers shall remain legally registered and mounted on their wheels.
- (10) In conjunction with a permitted one-family detached dwelling, one residential trailer may be placed on a working farm of 100 acres or over for the purpose of housing farm workers. The placement of the trailer must meet all applicable setback requirements; meet the requirements of the environmental control formula for septic systems and have adequate water supply. The trailer shall be placed so as not to cause an adverse effect on the use and enjoyment of any adjacent properties. In no case shall there be more than one trailer per farm. The trailer must be removed in the event the farm use terminates and/or the farm no longer requires the housing of farm workers. **[Added 7-30-1990 by L.L. No. 9-1990; amended 7-26-2007 by L.L. No. 15-2007]**
 - (a) A site plan must be submitted and approved by the Town Planner and Town Engineer prior to the placement of any such trailer on a property. Said site plan shall show the proposed trailer location and its relationship

to the existing structure or structures, off-street parking and vehicular and pedestrian access. The site plan must also show the septic system, septic system design details, water supply, well and associated details.

- C. Special permit uses and uses subject to plan approval by the Planning Board in accordance with the provisions of Article XI herein. **[Amended 2-11-1982 by L.L. No. 1-1982; 12-27-1990 by L.L. No. 18-1990; 7-24-2003 by L.L. No. 6-2003; 11-13-2003 by L.L. No. 13-2003; 11-30-2005 by L.L. No. 12-2005; 1-25-2007 by L.L. No. 3-2007; 12-12-2013 by L.L. No. 4-2013]**
- (1) Public utility structures, buildings and rights-of-way necessary to serve areas within the Town, excluding business offices, repair facilities or equipment storage areas.
 - (2) The following uses on lots of five acres or more, provided that no building shall be erected nearer than 50 feet to any street or property line and the lot coverage shall not exceed 20%:
 - (a) Nursing homes for general medical care.
 - (b) Housing for persons with disabilities.
 - (3) Camps.
 - (a) The minimum gross area to establish a campground site shall be 100 acres. No more than 75 campsites shall be permitted the first 100 acres of campgrounds. The same ratio of one campsite per 1.33 acres shall apply to campgrounds consisting of property in excess of 100 acres. **[Amended 8-26-2021 by L.L. No. 6-2021]**
 - (b) No building, tent, activity area or recreation facility shall be located nearer than 100 feet to any property line.
 - (c) Restrooms, pool houses, pavilions, camp management buildings and recreational facilities within the campgrounds shall not have an aggregate square footage of more than 0.5% of the total acreage of the campgrounds. By way of illustration, if the campgrounds consist of 100 acres (4,356,000 square feet), the combined square footage of all of the aforesaid facilities would not exceed 21,780 square feet.
 - (d) No existing permitted campgrounds which are operating as of the effective date of this amendment shall be affected hereby.
 - (4) Public, or private, recreation facilities and open space, other than for a single-family residence, including playgrounds, swimming pools, lakes, golf courses and clubhouse, including the sale of food and drink, provided that:
 - (a) Such use shall occupy a lot with an area of not less than two acres.
 - (b) No building or structure shall be erected nearer than 50 feet to any lot line.

- (c) Plans for all outdoor public address systems are approved by the Planning Board.
- (d) Plans for lighting of outdoor recreational facilities are approved by the Planning Board.
- (5) Mining, loading and hauling of sand, gravel, topsoil or other aggregate. Such operation shall not include equipment or structures for screening, crushing or washing, except as may be specifically authorized for a limited time.
- (6) Cemeteries.
 - (a) The minimum lot size, when not accessory to a place of worship, shall be three acres. **[Amended 8-26-2021 by L.L. No. 6-2021]**
- (7) Places of worship. **[Amended 8-26-2021 by L.L. No. 6-2021]**
 - (a) The minimum lot size shall be ten acres.
 - (b) No building shall be nearer than 50 feet to any lot line.
 - (c) The maximum lot coverage and all site improvements, including paving, sidewalks and handicapped ramps shall be 20%.
- (8) Home occupations.
 - (a) All approvals shall be granted as revocable permits. Such permits may be reviewed at any time by the Planning Board to ensure total compliance with the spirit and intent of the Zoning Law.
 - (b) No display of goods shall be visible from the street.
 - (c) The premises shall not be used in any manner so as to cause injury or disturbance to the surrounding properties, their owners or occupants.
 - (d) No person, outside the resident family, shall be employed in the home occupation.
 - (e) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced or allowed on the premises.
 - (f) The occupation shall not occupy more than 1/2 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling if so used.
- (9) Two-family dwellings.
 - (a) No more than one such dwelling may be placed on a lot.
 - (b) Upon sketch plat submission, the Planning Board shall set the allowable percentage of two-family homes in each subdivision.
 - (c) The following lot and building standards shall apply to two-family houses:

[1] Lot and building standards. Minimum required:

Lot width	250 feet
Lot depth	300 feet
Lot frontage	50 feet
Front yard	40 feet
Rear yard	50 feet
One side yard	30 feet
Both side yards	80 feet
Floor area	1,200 square feet
Maximum lot coverage	20%
Maximum building height	35 feet

[2] The minimum required lot size shall be arrived at in accord with § 249-19D(2).

D. Lot and building standards for the RA District. See § 249-80, Conservation subdivisions, for lot and building standards specific to conservation subdivisions. **[Amended 11-14-2002 by L.L. No. 9-2002; 12-12-2002 by L.L. No. 14-2002; 11-30-2005 by L.L. No. 12-2005;⁴ 7-26-2007 by L.L. No. 15-2007; 12-9-2009 by L.L. No. 8-2009]**

(1) Minimum required.

Minimum

Lot area	Arrived at using the environmental control formula, but not to be less than 2 acres
Floor area	1,000 square feet
Lot width	200 feet
Lot depth	300 feet
Front yard	60 feet
Rear yard	70 feet
One side yard	40 feet
Both side yards	100 feet
Lot frontage	200 feet

Maximum permitted

Lot coverage	20%
--------------	-----

4. Editor's Note: This local law also provided that it shall not apply to properties which had applications that were pending relating to construction of three or more new residential dwelling units and which applications had received, prior to 11-30-2005, preliminary or final site plan, subdivision, special permit or variance approvals, or which had received a SEQRA determination of no significant impact on the environment or for which a draft environmental impact statement had been accepted by the SEQRA lead agency.

Building height 35 feet

(2) Soil factors and lot size information.

Type I Subdivision

Conventional Subdivisions

Minimum Lot Size

Group	Environmental Factor	(acres)
I	1.00	3
II	0.68	3
III	0.50	3
IV	0.36	3
V	0.34	3
VI	0.34	3
VII	0.17	4.5
VIII	0.17	4.5
IX	0.09	No septic
X	0.05	No septic
XI	0.09	8.7
XII	0.17	No septic
XIII	0.09	No septic
XIV	0.05	No septic
XV	0.05	No septic

Type II Subdivision

Conservation Subdivisions

Minimum Lot Size

Group	Environmental Factor	(acres)
I	2	2
II	1.35	2
III	1	2
IV	0.71	2
V	0.67	2
VI	0.67	2
VII	0.33	3
VIII	0.33	3

**Type II Subdivision
Conservation Subdivisions**

Group	Environmental Factor	Minimum Lot Size (acres)
IX	0.17	No septic
X	0.1	No septic
XI	0.17	5.8
XII	0.33	No septic
XIII	0.17	No septic
XIV	0.1	No septic
XV	0.1	No septic

Notes:

All Type I subdivisions shall adhere to the regulations of this section. Applications for Type II subdivisions shall adhere to the regulations set forth within the Town of Wallkill's Conservation Subdivision Law (see § 249-80).

Parcels within the RA District under single ownership and identified on the Tax Map of the Town of Wallkill dated September 1, 2005, of less than 10 acres in size may be developed using the Type II subdivision calculations for conventional or conservation subdivisions.

Soils Reference Table

Group	Local Classification Code	Standard Classification Code
I	1A, 1B, 1C, 2A, 2B, 2C, 9A, 9B, 9C, 10A, 10B, 10C, 13A, 13B, 13C, 104, 105	CnA, CnB, CnC, Du, HoA, HoB, HoC, OkB, OtB, OtC, Pg, RhA, RhB, RhC, UH
II	78A, 78B, 79A, 79B	AdB, UnB
III	38C, 39B, 39C, 63B, 63C	PtB, PtC
IV	5A, 5B, 20B, 20C, 35A, 35B, 35C, 40B, 40C, 41B, 41C, 64B, 64C	CgA, CgB, MdB, MdC, PtP, SwB, SwC, WuB
V	80A, 80B, 84B	ScA, ScB
VI	22AC, 65AC, 77B, 77C, 020BC	BnB, BnC, SxC, SXC
VII	4A, 4B, 7, 25A, 25B, 42A, 42B, 81, 85A, 85B, 025B	ErA, ERB, ErB, ESB, Fd, Ra, RbB, SEB

Soils Reference Table

Group	Local Classification Code	Standard Classification Code
VIII	3A, 3B, 3C, 48B, 75AB, 070BC, 48C, 071BC, 073AC, 074AC, 077AC, 080AB	ANC, HLC, RSB
IX	8, 26, 43, 82, 83, 86, 87, 97, 98, 026	AB, Ab, Ac, AC, Ca, Ha, Ma, Sb
X	88, 89, 91, 92, 93, 99, 100, 101, 193	My, Su, Tg, Uf, UF, Wd
XI	78C, 79C, 84C, 076AC	RkC, RKC, UnC
XII	1D, 9D, 13D, 20D, 22DE, 38D, 39D, 40D, 64D, 65DE, 77D, 020DE, 070DE, 071DE, 074DE, 075DE, 076DE, 077DE	AND, HoD, MdD, NaD, OtD, PtD, Qu, RhD, RKD, RMD, RSD, RSO, SXD
XIII	01E, 20E, 22F, 40E, 65F, 84D, 020F, 071F, 074F, 076F, 077F	MNE, OVE, RKF, RSF
XIV	94, 96, 194, 197, 294, 295	Cd, Ce, Pa, Pb
XV	103	Cf, HH, W

- (3) Environmental control formula. Multiply the number of acres of each soil group found on the property by its corresponding Environmental Factor number to determine the number of building lots, as follows: **[Amended 12-9-2009 by L.L. No. 8-2009]**

Environmental Control Formula						
Soil Type	Soil Group	Acres	x	Environmental Factor	=	No. of Lots
Total Acres:				Total Number of		
				Lots:		
NOTE: Soil maps of the Town of Wallkill are on file at the Town Hall. Fractional results for the total number of lots should be rounded down to the next whole number.						

- (4) Procedure for determining the maximum number of lots permitted.
- (a) Select soil types which are found on your site, and thereby the soil group.
 - (b) Calculate and enter the acreage in each soil group.
 - (c) Enter the environmental factor for each soil group.
 - (d) Multiply each environmental factor by the acreage in each soil group.

- (e) Total the environmental acreage quotas. This is the maximum number of lots permitted.
- (5) Procedure for determining the minimum lot size.
 - (a) Delineate the various soil types and soil groups on the subdivision plat.
 - (b) The lot size shall be determined by establishing which soil type, and thereby which soil group, the proposed septic system is being placed on.
 - [1] To obtain the various lot sizes, use Subsection D(2), "Minimum Lot Size." (i.e., If the septic system is on a Group IV soil, the minimum lot size would be 3 acres.)
 - [2] If the proposed septic system is on two or more different soil groups, the minimum lot size for the most restrictive soil group shall be utilized.
 - [3] As stated in the Town of Wallkill Subdivision Regulations,⁵ there are soils on which septic systems shall not be allowed.

5. Editor's Note: See Ch. 209, Subdivision of Land.