

TOWN OF GUILDERLAND
LOCAL LAW NO. 3 OF 2026
AMENDMENTS TO TOWN CODE CHAPTER 280
(Amending §280-30 (Watervliet Reservoir & Watercourse
Setback) and §280-32 (Non-conforming structure,
use or lot, abandonment))

Be it enacted by the Town Board of the Town of Guilderland that Chapter 280 (Zoning) of the Town Code is amended.

SECTION 1. The following section is added to section 280-30:

E. Reconstruction of Existing Structures.

Notwithstanding the setback requirements in Subsections B, C, and D of this section, any lawful pre-existing nonconforming structure that is damaged or destroyed by any cause may be reconstructed provided that:

- (1) The reconstruction does not increase the degree of nonconformity or further encroach upon the watercourse, reservoir high-water mark, or angle of repose setback;
- (2) The property owner provides a plan stamped by a professional engineer that the reconstruction complies with accepted NYS DEC stormwater management regulations and erosion control measures to mitigate impacts on the Watervliet Reservoir and regulated watercourses;
- (3) For structures located within the setback of the angle of repose, the property owners shall submit a professional soils engineer's report certifying to the Town that the reconstruction will not result in slope failure or danger to property.

SECTION 2. The following section is added to section 280-32(D):

(6) Exceptions. Notwithstanding the provisions of this section, any lawful pre-existing nonconforming structure damaged or destroyed by fire, flood or other natural cause may be reconstructed provided that:

- (a) The reconstructed structure does not increase the degree of nonconformity;
- (b) The building permit for the reconstructed structure is applied for within five years of the damage;

- (c) The reconstructed structure complies with the NYS Uniform Fire Prevention & Building Code.

SECTION 3. SEQRA Determination.

The Town Board declares that this Local Law's amendments to Chapter 280 is an Unlisted Action under the State Environmental Quality Review Act and determines that it will not have a significant impact upon the environment and that a negative declaration shall be issued.

SECTION 4. Inconsistency.

Any local law, ordinance, resolution or portions thereof of the Town of Guilderland not consistent with this Local Law in whole or in part shall be repealed.

SECTION 5. Severability.

If any provision of this Local Law or the application thereof shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Local Law shall not be affected thereby.

SECTION 6. Effective Date.

This Local Law shall become effective upon filing with the Secretary of State.