

A Local Law Amending Local Law No. 14 of 1984, as Amended, to Revise the Zoning Law of the Village of Wesley Hills Concerning the Regulation of Neighborhood Gatherings.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WESLEY HILLS, as follows:

Section 1. The definition of "MAJOR ROAD", contained in Section 2.4 of Local Law No. 14 of 1984, as amended by Local Law No. 7 of 1988, Local Law No. 3 of 1990, Local Law No. 2 of 1991, Local Law No. 1 of 1999, and Local Law No. 3 of 2006, is hereby further amended to read as follows:

MAJOR ROAD - The following roads located within or adjacent to the Village of Wesley Hills: Route 202, Route 306, Grandview Avenue, New Hempstead Road, Union Road, Forshay Road, Wilder Road, Pomona Road (New Pomona Road), Lime Kiln Road, Willow Tree Road, East Willow Tree Road, McNamara Road (between New Hempstead Road and East Willow Tree Road only), and Spook Rock Road.

Section 2. The following definition is hereby added to Section 2.4 of Local Law No. 14 of 1984:

MINOR NEIGHBORHOOD GATHERING - The use of a single-family residence, on a regular basis, subordinate to its use as a single-family residence, for an assembly of people, provided that the portion of the building used for the gathering (1) does not exceed the lesser of 750 square feet or fifteen percent of the floor area of the building containing said residence and (2) does not exceed the percentage of use that would cause the building to be out of compliance with all applicable building codes of New York State, including, without limitation, the Residential Code of New York State and the Existing Building Code of New York State, and further provided that there is no intent thereby to generate fees for such use of the premises. For the purpose of this definition, the phrase "on a regular basis" shall mean such use for three or more days in a week for more than two weeks in a year.

Section 3. The following definition is hereby added to Section 2.4 of Local Law No. 14 of 1984:

NEIGHBORHOOD GATHERING - The use of a building on a regular

basis for an assembly of people, which does not qualify as a minor neighborhood gathering. In the event that a single-family residence is being used for the neighborhood gathering, such use must be without any intent thereby to generate fees for such use of the premises. For the purpose of this definition, the phrase "on a regular basis" shall mean such use for one or more days in a week for more than two weeks in a year.

Section 4. The definitions of "MINOR RELIGIOUS USE", "RELIGIOUS OR NEIGHBORHOOD GATHERING", and "RELIGIOUS USE", contained in Section 2.4 of Local Law No. 14 of 1984, are hereby deleted.

Section 5. Section 4.4.24 of Local Law No. 14 of 1984, as amended by Local Law No. 1 of 2003, is hereby amended to read as follows:

4.4.24 Minor Neighborhood Gatherings:

- 4.4.24.1 Any single-family residence may also be used as a minor neighborhood gathering.
- 4.4.24.2 The building containing the minor neighborhood gathering shall comply with all requirements of all applicable building codes of New York State, including, without limitation, the Residential Code of New York State and the Existing Building Code of New York State.
- 4.4.24.3 The maximum number of persons using the minor neighborhood gathering shall be the maximum number that can comply with the Residential Code of New York State and the Existing Building Code of New York State, as applied to the portion of the building containing the minor neighborhood gathering.
- 4.4.24.4 All required parking spaces must be provided on the lot on which the minor neighborhood gathering is located and/or on other lots within the Village of Wesley Hills and within 100 yards of the lot on which the minor neighborhood gathering is located, with the permission of the owners of such lots. The required parking spaces shall be used in full before additional parking associated with the minor neighborhood gathering is allowed on any street. Unless the minor neighborhood gathering has frontage and practical access exclusively on a Major Road, an application may be made to the Planning Board for

relief from this requirement. Upon such application, the Planning Board may determine to allow on-street parking on any street other than a Major Road to count towards satisfaction of the parking requirement if it determines that it would be consistent with public safety and neighborhood character to do so.

- 4.4.24.5 In the event that an application is made to the Planning Board for relief from the parking requirement pursuant to Section 4.4.24.4 of this Local Law, a simple plot plan showing the lot, driveways, paved areas and all structures thereon shall be submitted as part of the application, but no site plan is required unless otherwise required by the Planning Board.
- 4.4.24.6 There shall be no external sign or display indicating the use of the structure as a minor neighborhood gathering.
- 4.4.24.7 The lot shall be required to comply with the maximum impervious surface ratio set forth in Section 5.2 of this local law, unless the applicant shall also obtain a special permit for increased impervious surface pursuant to Section 6.9.13 of this Local Law.

Section 6. Section 5.1 of Local Law No. 14 of 1984, as amended by Local Law No. 3 of 2006, is hereby further amended to revise the list of Accessory Uses contained in the Schedule of Use Regulations, by deleting the item "Minor Religious Use" from such list and by adding the following item to such list in its place:

<u>ACCESSORY USES</u>	<u>ADDITIONAL REQUIREMENTS</u>	R-50 R-35 R-20 R-15	<u>NS</u>
Minor Neighborhood Gathering	4.4.24	PA	

**PA = Permitted Accessory Use**

Section 7. Section 5.1 of Local Law No. 14 of 1984, as amended by Local Law No. 3 of 2006, is hereby further amended to revise the list of Special Permit Uses contained in the Schedule of Use Regulations in its entirety to read as follows:

<u>SPECIAL PERMIT USES</u>	<u>Additional Requirements See Section</u>	<u>R-50</u>	<u>R-20</u>	<u>R-15</u>	<u>R-35</u>	<u>NS</u>
Public Utility structures including reservoirs, buildings, lines, poles, facilities, equipment storage and crew facilities, other than Wireless Communication Services Facilities	6.9.1	SP	SP			
Private Membership Clubs	6.9.2	SP	SP			
Neighborhood Facilities	6.9.3	SP	SP			
Farm Stands	6.9.4	SP	SP			
Camps	6.9.5	SP	SP			
Day Care Centers	6.9.6	SP	SP			
Group Family Day Care Homes	6.9.7	SP	SP			
Neighborhood Gatherings	6.9.8	SP	SP			SP
Cemeteries	6.9.9	SP	SP			
Schools	6.9.10	SP	SP			
Home Businesses, other than Home Occupations	6.9.11	SP	SP			
Keeping of Horses, Cattle, Goats and Sheep	6.9.12	SP	SP			
Increased Impervious Surface	6.9.13	SP	SP			
Wireless Communication Services Facilities	6.9.14	SP	SP			SP
Arborist Services, Landscape Services, and/or Wholesale Nurseries	6.9.15				SP	

**SP = Permitted Special Permit Use**

Section 8. Section 6.9.8 of Local Law No. 14 of 1984, as amended by Local Law No. 7 of 1988, Local Law No. 3 of 1990, and Local Law No. 1 of 2003, is hereby further amended to read as follows:

6.9.8 Neighborhood Gatherings:

- a. A neighborhood gathering is permitted as a special permit use by the Planning Board provided that it finds:
  1. The building containing the neighborhood gathering shall comply with all requirements of all applicable building codes of New York State.
  2. The maximum number of persons using the neighborhood gathering shall be the maximum number that can comply with the Building Codes of New York State, as applied to the building containing the neighborhood gathering.
  3. The neighborhood gathering shall be located on a lot which contains at least the minimum front yard, side yard, and rear yard required for one-family detached dwellings in the district in which it is located and which complies with the maximum building height, impervious surface ratio, and front yard impervious surface ratio requirements for one-family detached dwellings in the district in which it is located.
  4. Notwithstanding anything contained to the contrary in Section 5.2 of this Local Law, the maximum building coverage for a lot on which a neighborhood gathering is located shall be 0.15.
  5. In its review of applications for neighborhood gatherings in non-residential structures, the Planning Board may increase the maximum building height (feet) by a factor not exceeding 25%. However, the Planning Board shall not have authority to increase the maximum exposed building height.
  6. The Planning Board may require the provision of parking spaces in excess of the minimum number specified in Section 7.5 of this Local Law if it determines that such additional spaces are

necessary for the neighborhood gathering to be able to operate in a manner that is consistent with public safety and neighborhood character.

7. All required parking spaces must be provided on the lot on which the neighborhood gathering is located. Unless the neighborhood gathering has frontage and practical access exclusively on a Major Road, an application may be made to the Planning Board for relief from this requirement. Upon such application, the Planning Board may determine to allow parking in any of the following locations to count towards satisfaction of the parking requirement if it determines that it would be consistent with public safety and neighborhood character to do so: (a) on-street parking on any street other than a Major Road; (b) on-street parking on any street other than a street or portion thereof which has pavement width of less than 30 feet; (c) on-street parking on any street other than a street or portion thereof which has only a single means of access and egress; (d) parking on other lots within the Village of Wesley Hills and within 100 yards of the lot on which the neighborhood gathering is located, with the permission of the owners of such lots; or (e) a combination thereof.
  8. The Planning Board may impose such additional restrictions and conditions on the location of parking spaces, landscaping and/or fencing to screen the neighborhood gathering from adjacent residential properties, outdoor lighting, and other conditions of use of the neighborhood gathering as, in the judgment of the Board, are necessary for the neighborhood gathering to be able to operate in a manner that is consistent with public safety and neighborhood character.
  9. One non-illuminated sign showing the name and address of the neighborhood gathering, not exceeding one square foot in area, shall be allowed. Such sign may be located on the wall of a building or on a post set in the ground.
- b. The lot shall be required to comply with the maximum impervious surface ratio set forth in Section 5.2 of this local law, unless the applicant shall also obtain a special permit for increased

impervious surface pursuant to Section 6.9.13 of this Local Law.

Section 9. Section 6.9.9 of Local Law No. 14 of 1984, as amended by Local Law No. 7 of 1988 and Local Law No. 1 of 2003, is hereby deleted.

Section 10. Former Sections 6.9.10, 6.9.11, 6.9.12, 6.9.13, 6.9.14, 6.9.15, and 6.9.16 of Local Law No. 14 of 1984, as amended by Local Law No. 7 of 1988, Local Law No. 1 of 1993, Local Law No. 2 of 1997, Local Law No. 4 of 1997, Local Law No. 1 of 1999, and Local Law No. 3 of 2006, and all references to such sections in the text of Local Law No. 14 of 1984 as amended, are hereby renumbered as Sections 6.9.9, 6.9.10, 6.9.11, 6.9.12, 6.9.13, 6.9.14, and 6.9.15 respectively.

Section 11. Section 7.5 of Local Law No. 14 of 1984 is hereby amended to revise the list of minimum parking space requirements and loading space requirements for permitted accessory uses, contained in the Schedule of Parking and Loading Requirements, to add the following item to read as follows:

<u>Use</u>	<u>Minimum Off-Street Parking Spaces</u>	<u>Minimum Loading Spaces</u>
<u>Accessory Uses</u>		
Minor Neighborhood Gatherings	15 spaces	-

Section 12. Section 7.5 of Local Law No. 14 of 1984, as amended by Local Law No. 7 of 1988 and Local Law No. 1 of 2003, is hereby further amended to delete the entry for minimum parking space requirement and loading space requirement for "Religious Uses, other than Religious or Neighborhood Gatherings or Minor Religious Uses" in the list of minimum parking space requirements and loading space requirements for special permit uses, contained in the Schedule of Parking and Loading Requirements, and to add the following item in its place to read as follows:

<u>Use</u>	<u>Minimum Off-Street Parking Spaces</u>	<u>Minimum Loading Spaces</u>
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Special Permit Uses

Neighborhood Gatherings, other than Minor Neighborhood Gatherings	15 spaces (if the special permit use is located in a building also used as a single-family residence); or 20 spaces (if not so located)	-
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Section 13. The invalidity of any section, subsection, paragraph, sentence, clause or provision of this Local Law shall not affect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

Section 14. This Local Law shall take effect immediately, but no violations for failure to comply with its provisions shall be deemed to occur until six months after the date it is filed in the Office of the Secretary of State.