

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Wesley Hills

Local Law No. 1 of the year 20²⁴

A local law Amending the Code of the Village of Wesley Hills to Revise the Zoning Law in Relation to
(Insert Title)
Faculty Housing at Schools.

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Wesley Hills as follows:

See attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF WESLEY HILLS, TO REVISE THE ZONING LAW IN RELATION TO FACULTY HOUSING AT SCHOOLS.

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

Section 1. Legislative Intent.

The Board of Trustees acknowledges that the operation of kindergarten through 12th grade schools within the Village of Wesley Hills is desirable, provided that such schools are in compliance with the requirements of the Zoning Law. The Board of Trustees therefore finds that it is appropriate to allow schools with a dormitory, in order to attract and maintain qualified faculty, under appropriate conditions to provide accessory on-campus housing for its faculty.

Section 2. Amendment to Zoning Law.

The following definition is hereby added to Section 230-5 of the Code of the Village of Wesley Hills, to follow the definition of “Plant Health Materials”, to read as follows:

PRACTICAL ACCESS – For all necessary uses and special permit uses for which practical access to a major road is a requirement, the phrase “practical access” means that it must be reasonably possible for actual vehicular access to be designed and constructed along the particular frontage under consideration for that use. It does not require that such access must be constructed or included in an approved site plan if the Planning Board, in the exercise of its discretion, deems it to be in the public interest for the actual vehicular access to be designed along other available frontage.

Section 3. Amendment to Zoning Law. Section 230-26 I of the Code of the Village of Wesley Hills is hereby amended by adding thereto a new Subsection I (17), to read as follows:

(17) Schools which contain faculty housing units shall comply with the following additional requirements:

(a) Applicant must be free of any local violations and be accredited by the New York State Department of Education.

(b) Each faculty housing unit shall be set back at least 50 feet from any street and be located on the same lot as the school.

(c) Faculty housing shall only be approved for schools meeting all of the following requirements: (1) the school has at least 4 grade levels classes from kindergarten through 12th grade; (2) the school has a dormitory located on the same site; (3) the school shall have been in operation within the Village for at least ten (10) years; and (4) the school can demonstrate the need for on-campus faculty housing to the Planning Board.

(d) Faculty housing units shall not exceed an average of 2,250 square feet per housing unit, and no faculty housing unit shall exceed 2,500 square feet in any event.

(e) Except as expressly stated in this Subsection I, faculty housing shall comply with the bulk regulations of the underlying zoning district, including but not limited to height and number of stories. Where there is a conflict between this Subsection and the requirements pertaining to the underlying zoning district, the more restrictive requirement shall apply.

(f) Any special permit issued to an applicant for faculty housing shall specify, as a condition thereof, the maximum number of faculty housing units authorized on the lot. In no event shall the maximum number of faculty housing units exceed any of the following limits: (1) 40% of the number of faculty members of the school as defined in this Subsection I (17) (j); (2) 7.5% of the average number of active pupils during the most recent 3 years prior to the application; and (3) the ratio of 2.0 units per acre of net lot area.

(g) Net lot area, as referred to in the previous paragraph, shall be calculated with the same deductions as set forth for minimum lot area in Subsections I (2) and I (3). A school containing faculty housing must satisfy all of the following requirements related to lot area: the minimum lot area requirement set forth in Subsection I (1) (which will determine the maximum number of pupils authorized to be enrolled in the school), the ratio to net lot area requirement set forth in Subsection I (17) (f) (which will determine the maximum number of authorized faculty housing units), and the net lot area requirement set forth in Subsection I(16) (b) (which will determine the maximum number of persons authorized to reside in the dormitory). The same lot area may be used to satisfy all of those requirements simultaneously.

(h) Any application to add or include faculty housing as an accessory use to a school shall include, in addition to other items which may be required by the Planning Board, a written statement setting forth information regarding faculty residency restrictions and policies, security provisions (including, without limitation, fencing, lighting, and supervision), and emergency services.

(i) In addition to any other off-street parking required for a school and accessory uses, there shall be one (1) parking space provided for each faculty housing unit. Such parking spaces shall be in close proximity to the faculty housing units, as determined by the Planning Board.

(j) Faculty housing units shall be occupied only by employed faculty members, as defined in Subsection I (17) (k), of the school being operated on the premises of which the housing units are located, and the family of such faculty member. The faculty member to whom the housing unit is assigned must occupy such unit as his or her primary residence. Only one family may occupy a faculty housing unit, irrespective of the number of family members employed as faculty members by the school.

(k) For purposes of this Subsection I (17), the term “faculty member” who qualifies for on-premises housing shall mean a person employed by the school on a full time or part time basis, for no fewer than 22 hours per week, and whose duties include at least one of the following: (1) providing instruction to students for at least 2 classes for at least 1 instructional semester, or (2) providing on-site physical or psychological therapeutic or support services to a student or students, or (3) administrative employees such as a principal, assistant principal or department chairperson.

(l) On or before September 1st of each year, the school, by one of its officers, shall submit a signed and notarized affidavit to the Village Clerk, which affidavit shall contain the following information:

(1) The name of the school.

(2) The name, position or title, and housing unit number of each faculty member occupying a faculty housing unit.

(3) Certification that the faculty member occupying the housing unit is or will be employed by the school for the upcoming school year or part thereof (if only part of the school year, the intended employment end date shall be specified).

(4) Certification that the faculty member occupying the housing unit has been expressly advised, by written notice, that his or her occupancy of the housing unit is governed by the terms of this provision of the Zoning Law and of the special permit issued by the Planning Board, is further dependent upon his or her continued employment by the school, and that the housing unit must be vacated within 30 days after termination of such employment. A copy of such written notice shall be annexed annually to the affidavit filed with the Village Clerk.

(5) In the event that there is a change in occupancy of any housing unit that is not reported on the annual filing required by the Subsection I(17) (l), then within 30 days after such change the school shall file with the Village Clerk the information required in subdivisions (1) through (4) of this Subsection with respect to such new occupant.

(6) Failure to provide the affidavit required by this Subsection I (17) (l), or the inclusion of knowingly false, inaccurate or misleading information in such affidavit, shall constitute a violation of this chapter and may constitute the basis for denial or revocation of the special permit, building permit, or certificate of occupancy for the faculty housing, and for all other applicable remedies.

(7) Payment of the annual processing fee as described in the Village of Wesley Hills Fee Schedule.

(m) No certificate of occupancy for any faculty housing unit shall be issued unless and until the school has been issued a certificate of occupancy.

(n) If the property is sold, transferred, leased or licensed to another school and/or operator, that school and/or operator will require a new special permit (as another school may not be operating in the identical manner). If the property is sold, transferred, leased or licensed for any use other than a school, the status of the residential use of all faculty housing units on the property shall immediately expire, and there shall be no as-of-right to continue the residential use of any such units. Certificates of occupancy for all such faculty housing units shall be terminated and shall be of no force and effect without any further action by the Village.

Section 4. Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgement of any court of competent jurisdiction to be unconstitutional, unlawful, or unenforceable shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase thereof, all of which shall remain in full force and effect.

Section 5. Effective Date.

This local law shall become effective ten days after publishing, posting and filing with the Secretary of the State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ¹ _____ of 20²⁴ of the (County)(City)(Town)(Village) of Wesley Hills was duly passed by the Board of Trustees on July 2 20²⁴, and was (approved)(not approved) (repassed after disapproval) by the Mayor (Elective Chief Executive Officer*) on July 2 20²⁴, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

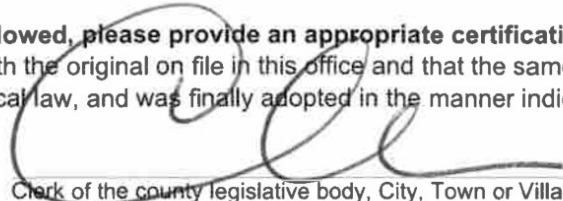
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 7/2/2024

(Seal)