

**ROCKLAND COUNTY DEPARTMENT OF PLANNING
REFERRAL FORM FOR GENERAL MUNICIPAL LAW REVIEWS**

Municipality: Village of Wesley Hills

Date Sent: February 8, 2024

Board: Planning ZBA Town/Village **Meeting Date:** April 2, 2024

File Name Local Law #1 of 2024-Faculty Housing
Contact Person Camille Guido-Downey, Village Clerk
Village of Wesley Hills
Address 432 Route 306, Wesley Hills, NY 10952

Referral Agencies

(Please indicate the agencies that have also received copies of this application)

- RC Highway Department
- RC Division of Environmental Resources
- RC Drainage Agency
- RC Department of Environmental Health (Sewers, Water, Mosquito Code, Underground Tanks)
- RC Sewer District #1
- NYS Department of Environmental Conservation
- NYS Department of Transportation
- NYS Thruway Authority
- NY-NJ Trail Conference (Long Path)
- Palisades Interstate Park Commission
- US Army Corps of Engineers
- Cornell Cooperative Extension of Rockland County
- Adjacent Municipality --- Town of Ramapo, Montebello, New Hempstead, Pomona
- Other _____

Pursuant to the General Municipal Law Article 12-B, Section

239 (n): _____

239 (l) & (m): Site Plan Variance Special Permit Zone Change/Amendment

Other – *Please list* A Local Law amending the Zoning Code of the Village of

Wesley Hills in relation to Faculty Housing.

Location of Parcel(s) Village of Wesley Hills

Acreage of Parcel (s) _____

Existing Sq. Footage _____ **Proposed Sq. Footage** _____

The Property in Question Lies Within 500 Feet of:

- County Road State Road, Thruway, or Parkway
- County Stream State Park
- County Park Village, Town, or County Boundary
- County or State Facility The Long Path

Map _____ **Block** _____ **Lot(s)** _____ **Map Date:** _____ **Current Zoning:** _____

Brief Project Description: A Local Law amending the Zoning Code of the Village of Wesley Hills in relation to Faculty Housing.

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 has been made aware that qualified faculty of such schools have found it difficult to obtain affordable housing near the Village. 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 accessory 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 the available frontage of a different road.

Section 3. Amendment to Zoning Law. Section 230-26I 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) Each faculty housing unit shall be set back at least 50 feet from any street.
 - (b) Faculty housing shall only be approved for schools meeting all of the following requirements: (1) the

school has at least 4 grade level 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 3 years; and (4) the school can demonstrate the need for on-campus faculty housing.

- (c) 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.
- (d) 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.
- (e) 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)(i); (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.
- (f) 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)(e) (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.
- (g) 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.

- (h) In addition to any other off-street parking required for a school and accessory uses, there shall be 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.
- (i) Faculty housing units shall be occupied only by employed faculty members, as defined in Subsection I(17)(j), of the school being operated on the premises of which the housing units are located, and the spouses of such faculty members and their children up to the age of 25 years or their disabled children of any age. 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.
- (j) 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.
- (k) 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 this Subsection I(17)(k), 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)(k), 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.
- (1) No certificate of occupancy for any faculty housing unit shall be issued unless and until the school has been issued a certificate of occupancy.

- (m) If the property is sold or transferred 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 or transferred for any use other than a school, the status of the residential use of all faculty housing units on the property shall expire, and there shall be no as-of-right to continue the residential use of any such units. Certificates of occupancy for all such 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 judgment 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, 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 State.