

## Local Law Number X of 2017

A local law to amend the Zoning Ordinance of the Town of Haverstraw to add a new special permit use, Gathering Place, along with definitions, bulk requirements and procedures for application.

Be it enacted by the Town Board of the Town of Haverstraw as follows:

### Section 1: Purpose.

The purpose of this amendment is to address the need for a new use and additional flexibility in managing residential properties for gatherings of people in single family residences (gatherings). The County of Rockland has experienced a variety of applications in recent years for small gatherings in residences or in additions to residences that do not fit into the available use categories within the Town. The Town Board is aware that it is required to accommodate a variety of uses while balancing the need to maintain public safety. The proposed regulations are intended to apply to gatherings of people wishing to meet regularly in a single family residence for purposes other than typical family functions. For the purposes of this section the term regularly is defined as one or more times per month. The existing minimum bulk requirements for places of assembly, yard and setback restrictions and parking requirements are nearly impossible to meet for most single family homes intended to be used for small gatherings. This local law is not intended to restrict family functions to celebrate birthdays and holidays but provides procedures that will conform to the then current New York State Uniform Code requirements for places where either organizations or loose affiliations of like-minded people regularly meet to plan or conduct functions or other organized activities, while permitting the review of the specific details of an application to the Town Planning Board for determination of the occupancy requirements, required parking, as well as a general assessment of the suitability of the proposed activity to the particular location. Specific conditions may be attached as part of the special permit approval. This permits the flexibility for the Planning Board to match the use in a specific location to appropriate requirements to address safety in residential neighborhoods.

### Section 2 Amendments to the Zoning Ordinance.

#### A. Add: Definition – section 167-3

**Building Coverage:** The ratio of the horizontal area, measured from the exterior surface of the exterior walls of the ground floor, of all principal and accessory buildings on a lot to the total lot area.

**Lot Coverage:** That part of the lot that is covered by impervious surfaces.

**Impervious Surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**Gathering Place:** A place of assembly for more than 16 persons for a house of 1,500 square feet or less or 26 persons for a house in excess of 1,500 square feet permitted in the R-120, R-40, R-25, R-15, RG and RMH residential districts by special permit issued by the Planning Board, for organizations or loose affiliations of like-minded people regularly meeting to plan or conduct organization functions or other organized activities within habitable areas of a single family home, subordinate to its use as a single-family residence. The maximum size of the area of assembly will be governed by the then current New York State Uniform Code covering the assemblage of people and the ability of the site to provide for the special conditions determined by the special permit application in order to provide for such gatherings while ensuring the safety of those individuals in attendance and of surrounding properties. The area of assembly shall not occupy more than 20% of the total square footage of the residence excluding

bedrooms, corridors, bathrooms, cellars and kitchens as further defined in the then current New York State Uniform Code. If the area of assembly is greater than 20%, then the provisions of section 167-58 subsections (A) through (E) of this Code shall apply to forms of assembly shall be governed by the regulations applicable to such gatherings. For the purpose of this local law garages and cellars are not considered habitable space and may not be used for gatherings or be used in calculating the permitted area of a Gathering Place. Occupancy for a Gathering Place is limited to 16 persons for a house of 1,500 square feet or less and 26 persons for a house that is more than 1,500 square feet for gatherings that meet one or more times per month, in which case no special permit is required. If the number of people attending gatherings exceeds those numbers then a special permit would be required in accordance with this section.

**Regular Meeting** means meeting one or more times per month.

B. Add new subsections to 167-58F Gathering Place consists of a portion of a single family residence, or an addition to a single family residence. The following are the minimum requirements for a Gathering Place special permit use.

1. Any single family residence may be used as a gathering place.
2. The owner or the tenant, consisting of an individual or family, must reside on site. If the property is owned by a corporation, partnership or limited liability company, at least one partner, shareholder or member, as the case may be, must reside in the single family residence.
3. The lot size should conform to the requirements of the zone in which it is located. Any variances granted in the approval of the original lot and structure will be deemed conforming.
4. Gathering places must comply with all applicable sections of the then current New York State Uniform Code.
5. All applicable sections of the then current New York State Uniform Code will be used to determine potential maximum occupancy limits.
6. For Regular Meetings that are held in locations that exceed the occupancy limit as defined in the definition of a Gathering Place and therefore must comply with this section the occupancy will be determined upon review of the narrative provided with the special permit application and the specifics of the site. There is no guarantee that the maximum occupancy calculated pursuant to the then current New York State Uniform Code will be permitted as it is subject to substantive and reasoned review by the Planning Board to determine the appropriate maximum number, however, the Planning Board shall use its discretion to establish an appropriate occupancy that balances the needs of the organization with the safety concerns that form the basis for this local law.
7. The narrative shall include a general description of the proposed use including the days and times of operation. In addition a floor plan shall be provided indicating the location of the area(s) where assembly will occur and providing the additional information as required in the then current New York State Uniform Code.
8. All plans shall be prepared to scale with certification by the individual preparing the plan that it is an accurate representation of the conditions but the plans need not be signed and sealed by a licensed professional.

9. The special permit use will remain in effect for one year and must be renewed upon expiration or it shall be deemed expired. An affidavit of no change may be presented to the Building Inspector to allow for renewals without the requirement of a further public hearing upon the requested renewal. An affidavit of no change shall include a statement granting permission for inspection by the Building Inspector/Fire Code Official to ensure compliance with the occupancy and safety requirements prior to renewal of the special permit. The Building Inspector/Fire Code Official shall conduct an annual fire inspection prior to issuing a renewal.
  10. The special permit is based upon the information submitted at the time of application. Any change to the use, ownership and characteristics as presented will necessitate filing for a revised permit for review and determination. The existence of a prior permit is not a guarantee of renewal. Applicants must demonstrate compliance with the conditions of approval for renewal or in the event of a change in circumstances obtain a revised special permit and where applicable site plan approval.
  11. The lot shall comply with zero net runoff requirements.
  12. Parking – Applicant will first maximize parking spaces on site. The applicant may count spaces available in driveways within 300 feet of the gathering site, provided letters of authorization for these spaces are provided to the Planning Board and permission to utilize such spaces is not withdrawn. In the event of a change of ownership of a nearby property that had previously permitted parking, a letter must be provided by the new owner to the Building Inspector reaffirming that permission to park on that owner’s property has been granted. These spaces are to be allocated fully before on street parking resources may be requested. No on street parking is permitted on State or County Roads. The Planning Board may count on street parking spaces on other roads if it determines that the request is consistent with public safety and does not violate existing parking restrictions.
  13. Required Number of Parking Spaces – The Planning Board shall determine the required number of parking spaces, consistent with the proposed assembly and then current parking requirements for places of assembly within the Town.
  14. Lighting – Applicant should provide the minimum effective lighting to permit safe operations. Low level lighting or bollards are the preferred lighting device for residential and task lighting.
  15. The Gathering Place should maintain the appearance of a typical residence to the maximum extent possible.
  16. Signs are not permitted.
  17. Grandfathering of existing gathering places without approvals is not permitted. Anyone currently operating a non-permitted gathering place is required to file for special permit approval.
  18. The applicant must comply with the requirements of the State Environmental Quality Review Act (SEQRA).
  19. The Town Board shall, from time to time by resolution, establish fees for inspections, as well as issuance and renewal of permits issued pursuant to this section.
- C. Amend the Table of General Use Requirements to permit Gathering Places as a special use in the R-120, R-40, R-25, R-15, RG and RMH residential districts.

- D. Amend the Table of Bulk Requirements by adding the following coverage requirements for all uses in the following zones.

District	Group	Minimum Lot Area (square feet)	Maximum Building Coverage (percent)	Maximum Total Lot Coverage (percent)
R-120	A	120,000	8%	18%
R-40	B	40,000	12%	22%
	C	60,000	10%	20%
R-25	D	25,000	18%	28%
	E	35,000	15%	25%
R-15	F	15,000	25%	35%
	G	22,000	20%	30%
RG	H	15,000	25%	35%
	I	22,000	20%	30%
	J	5 acres	30%	60%
RMH	L	15,000	25%	35%

- E. Any application pursuant to this section is required to obtain Site Plan Approval from the Planning Board.

**SECTION 3: SEVERABILITY**

If a court of competent jurisdiction declares any portion of this local law illegal or unconstitutional such declaration shall not prevent the enforcement of any other portion of this local law.

**SECTION 4: EFFECTIVE DATE**

This local law shall become effective immediately upon filing with the New York Secretary of State.