

Local Law 3-2022

A local law to amend Chapter 195 of the Code of the Village of Hewlett Neck, in relation to regulations and procedures to permit educational and religious uses in the Village.

Section one. Section 195-9(B), is hereby amended to read as follows:

“195-9(B). Churches, synagogues or other houses of worship, other religious uses and private schools accredited by the New York State Board of Regents, subject to the issuance of special use permit and site plan approval from the Board of Trustees in accordance with Section 195-55 and Article **XI** of this chapter.

Section two. A new Article XI, entitled “Educational and Religious Uses” is hereby added to chapter 195, to read as follows:

“Article XI – Educational and Religious Uses.

195-64. Religious Uses.

Any building, structure or premises used for a religious use shall comply with the following conditions and limitations:

- A. Height. No building or structure used for a religious use, or a permitted accessory use, shall have a height (exclusive of a steeple or spire) of more than two stories or 30 feet, above the grade at the level of each adjoining street, whichever is less. No steeple or spire on any such building or structure shall have a height in excess of 20 feet above the top of the roof of such building.
- B. Building area. No such building, structure or use, together with any permitted accessory buildings, structures or uses, shall occupy more than 15% of the area of the lot, exclusive of any portion of such lot which may consist of land under water. The floor area ratio of all buildings and structures on the lot or premises shall not exceed 0.20.
- C. Size of lot. No such building, structure or use shall be conducted on a lot having an area less than 87,120 square feet.
- D. Required yards.
 - 1. Every lot or premises used for such purposes shall have a rear yard with a minimum depth of 75 feet.
 - 2. Every lot or premises used for such purposes shall have a front yard with a minimum depth of 100 feet. No approved accessory building or structure may be located in a front yard.
 - 3. Every lot or premises used for such purposes shall have two side yards, each of which shall have a minimum depth of 75 feet. No accessory

building or structure may be located in a side yard.

- E. Street frontage. No religious use may be conducted on a lot or premises having a street frontage less than 250 feet on a public road. In the case of a lot having frontage on more than one street, the minimum street frontage on each such street shall be not less than 250 feet.
- F. Accessory Buildings or Structures. There shall be no accessory buildings or structures, unless such structures are approved as part of an approved site plan, and any such buildings or structures shall comply with the regulations applicable to principal buildings in this section.
- G. Off-street parking. No religious use shall be conducted on a lot or premises unless paved off-street parking for such use is provided on the same lot or premises, consisting of not less than one parking space for each four permanent seats in the buildings or structures on the premises, or for each part of the floor area of such buildings or structures as is or may be made available for four permanent or temporary seats; or one parking space for each 100 square feet of floor area in the buildings or structures on the premises, whichever is greater.
 - a. Each parking area shall be provided with adequate facility for site drainage, which shall not drain into public roads, public drainage systems, or any adjacent property.
 - b. No parking space shall be located in a front yard or in a required rear or side yard setback area.
 - c. All parking spaces shall be maintained in good condition and shall have adequate means of ingress and egress as approved by the Board of Trustees.
 - d. All parking spaces shall be at least nine feet by 18 feet, and there shall be an aisle of at least 15 feet separating rows of parking spaces.
 - e. Every parking area shall be enclosed with a good-quality solid sapling fence six feet in height, with a finished side facing the property boundaries, entirely enclosing the parking area with the exception of such portions as are used for ingress or egress. Said fence shall be properly landscaped and screened, with shrubs and plants to be situated on the outside of such fence, in accordance with landscaping plans approved by the Board of Trustees as part of the approval of any conditional use permit.
- H. Outdoor Use. The congregation or gathering of people outdoors on the premises for any event or purpose shall be permitted only in areas depicted on an approved site plan. No such area shall be closer than 150 feet from any property used for residential purposes. No noise, including music or other sound, shall be made or played in a manner that can be heard beyond the

boundary of the premises after 11:00pm. All lighting associated with the outdoor area shall be designed and installed in a manner so that the light shall not be directed towards any other private or public property.

- I. Multiple Religious uses. No religious use shall be permitted within:
 - a. 1,500 feet of another property containing a religious use, where such other use does not have street frontage on the same street or roadway as the proposed use, and
 - b. 2,500 feet of another property containing a religious use, where such other use is located on the same street frontage as the proposed use.

195-65. Educational Uses.

Any building, structure or premises used for an educational use shall comply with the conditions and limitations applicable to religious uses, except as otherwise provided hereinafter:

- A. Minimum lot area. No such use shall be conducted on any lot or premises having an area less than three acres.
- B. Maximum base enrollment. The maximum enrollment of students (whether full-time or part-time) permitted for any educational use shall be the lesser of:
 1. Seventy-five students, plus 50 additional students for each full contiguous acre of land occupied by such use in excess of three acres, except as otherwise provided herein; or
 2. One student for each 125 square feet of floor area in buildings located on the property and used for such educational use.
- C. Permitted additional enrollment. With the permission of the Board of Trustees, an educational use may be permitted an enrollment in excess of that otherwise provided in Subsection **B** of this section, but in no event greater than one student for each 100 square feet of floor area in buildings located on the property and used for such educational use, whichever is less.
- D. Floor area ratio. The maximum floor area ratio of all buildings and structures on any property used for educational purposes shall not exceed 0.20.
- E. Open space. The maximum lot coverage of all buildings and structures on any property used for educational purposes shall not exceed 15%. Sidewalks, driveways, parking areas and all other impervious surfaces shall not exceed an additional 15% of the area of the property. Areas of the site designated or used for playgrounds or recreational activities shall not exceed an additional 40% of the area of the property.

F. Maximum height of buildings and other structures. No building or structure shall exceed two stories or 30 feet, whichever is less.

G. Recreational facilities.

1. Swimming pools.

- a. The term "swimming pool," as used herein, shall mean any structure, tank or excavation intended for or used for the purposes of bathing or swimming and located on such property as an accessory use to a permitted or legal nonconforming principal use.
- b. No swimming pool shall be permitted unless the same is fully enclosed within a building.
- c. No building in which a swimming pool is located shall be less than 150 feet from the boundary of the lot or premises on which such building is located.
- d. No permit shall be issued for the construction or operation of any swimming pool until the owner of the premises has filed a certification by a professional engineer licensed by the State of New York that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary and drainage facilities or with public highways. Plans and specifications must be submitted by a professional engineer or registered architect licensed by the State of New York.
- e. All auxiliary apparatus and equipment or other device used in connection with the operation of such swimming pool shall be contained within the building or structure in which the swimming pool is located, and shall be operated in such a manner as not to cause unreasonable disturbance or annoyance to any occupant of adjoining property. No loudspeaker or other sound amplification devices shall be permitted if the sound is audible outside the confines of the building or structure in which the pool is located.

2. Other recreational facilities.

- a. No outdoor recreational facility may be constructed, used or maintained except with a permit from the Board of Trustees.
- b. No outdoor recreational facility, including a fence pertaining thereto, may be constructed or maintained in a front yard or within 150 feet of a side or rear property line.
- c. No more than four outdoor tennis courts or other sports or recreational courts, may be permitted on any property in the

aggregate.

- d. All outdoor recreational facilities must be enclosed with permanent fencing approved by the Board of Trustees.
- e. No outdoor recreational facility may be constructed or maintained so as to permit any drainage water to flow onto adjacent property or a public street.
- f. Outdoor artificial lighting of any recreational facility is prohibited.
- g. No covering of any nature may be erected or maintained over any outdoor recreational facility.
- h. Applications for a permit for a recreational facility shall be accompanied by plot, site and other plans showing the proposed location, dimensions, drainage, fencing, landscaping and screening and a permit application fee as may be established by the Board of Trustees.
- i. Required setbacks of buildings or structures and other physical features. No building or structure shall be located within 100 feet of a property line. All portions of the property within 75 feet of a property line shall remain open and unused, as a buffer from adjoining properties, except that within such buffer area only the following physical features may be located, with the approval of the Board of Trustees: fences, driveways, sidewalks, landscaping, shrubbery and plantings.

H. Required off-street parking.

- 1. Any educational shall provide off-street parking spaces, in a paved area or areas clearly marked for such purposes, with parking spaces clearly delineated for students, faculty and visitors. Each such parking space shall be at least nine feet in width by 18 feet in length, and there shall be an aisle of at least 15 feet separating rows of parking spaces. The number of such spaces shall be at least equal to one space for each 250 square feet of floor area in all of the buildings on the premises.
- 2. In addition to the foregoing requirements, any educational use that provides or permits bus service for students (whether full-time or part-time) shall provide sufficient area or areas for parking or standing of school buses. The location and size of such areas shall be determined by the Board of Trustees as part of any site plan approval.
- 3. No vehicle shall be permitted to park or stand or stop on any premises used for educational use, except in a parking area designated for that purpose.

4. No vehicle shall be permitted to park or stand or stop on any premises used for educational use with the motor of such vehicle running for a period of time in excess of 5 minutes in any thirty-minute period.
- I. Permitted periods of operation.
 1. Without the prior permission of the Board of Trustees, no educational use, or any other activities in connection therewith, shall be conducted:
 - a. Indoors, except between the hours of 7:30 a.m. and 9:00 p.m. on weekdays; or
 - b. Outdoors, except between the hours of 8:30 a.m. and 7:30 p.m. on weekdays.
 2. Where the permission of the Board of Trustees is required by this subsection for any activity, such permission may be granted by the Board of Trustees, upon written application, without a public hearing. Such application shall state the date or dates, and time or times, when such activities are to be conducted, a complete description of the nature of the proposed activities, the number of persons who it is anticipated will attend or participate in such activities and such other information as may be required by the Board of Trustees or required by law.
 - J. Permitted accessory buildings and uses. Except as provided herein, no buildings or uses accessory to the principal educational use or otherwise may be located or permitted at the premises.
 - K. Multiple Educational uses. No religious use shall be permitted within:
 - a. 1,500 feet of another property containing an educational use, where such other use does not have street frontage on the same street or roadway as the proposed use, and
 - b. 2,500 feet of another property containing an educational use, where such other use is located on the same street frontage as the proposed use.
 - L. Signs. No signs shall be allowed on any property used for an educational use, except such signs as are usual and customary in conjunction with such use for the purposes of identifying the address and/or occupant of the property and such signs as may be necessary for directions or instructions to persons entering or leaving the property, subject to the following restrictions:
 1. No more than one sign identifying the address and/or the occupant of

the property shall be permitted, and such sign shall not have a surface area exceeding 25 square feet. No such sign shall be erected or altered except with a permit from the Board of Trustees. Notwithstanding any other provision of this Code, the Board of Trustees shall not be required to hold a public hearing prior to the issuance of such sign permit.

2. No sign necessary for directions or instructions to persons entering or leaving the property shall be erected or maintained without a permit from the Board of Trustees. The Board of Trustees shall not permit a number of such signs, or any such sign having area or location, in excess of that reasonably required for the purpose thereof, in the discretion of the Board of Trustees. Notwithstanding any other provision of this Code, the Board of Trustees shall not be required to hold a public hearing prior to the issuance of such permit.

195-66. Special Use Permits and Site Plan Standards.

- A. In granting or amending any special use permit for a religious or educational use as required by this chapter, the Board of Trustees shall have authority to exercise (a) the power and authority to grant variances or waivers of any requirement of the zoning regulations of the Village to the same extent to which the Board of Appeals would have power and authority, and (b) the power and authority to grant any approval or take any action which would be within the authority of the Design Review Board.
- B. No such special use permit for a religious or educational use shall be granted or amended pursuant to this chapter, and no such waiver, variance or approval shall be granted or amended pursuant to this article, except after a public hearing held in the same manner and upon the same notice as would be required for a public hearing before the Board of Appeals.
- C. In reviewing any special permit application or an amendment to a special permit approval, the Board shall apply the standards provided in Article IX of this chapter.
- D. In reviewing any site plan application or an amendment to a site plan approval, the Board shall apply the standards provided in Article X of this chapter.

Section two. Any local law or provision of the Code of the Village of Hewlett Neck in conflict with this local law is hereby repealed to the extent of such conflict, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of such local law, ordinance or resolution prior to the effective date of this local law.

Section three. If any clause, sentence, paragraph, section, article, or part of this local law shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate any other part of this local law, or the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section four. This local law shall take effect immediately upon adoption and filing pursuant to the Municipal Home Rule Law.