

**INTRODUCTORY LOCAL LAW NO. 7 of 2021
VILLAGE OF WOODBURY**

**A LOCAL LAW AMENDING CHAPTER 310 (“ZONING”) OF THE CODE OF THE
VILLAGE OF WOODBURY TO PROVIDE REGULATIONS FOR GATHERING
PLACES**

BE IT ENACTED by the Board of Trustees of the Village of Woodbury, Orange County, New York as follows:

SECTION 1. CHAPTER 310 (“Zoning”)

Section 310-2(B) (“Definitions”) is amended to add the following language:

GATHERING PLACE

The use of a portion of a residential dwelling for gatherings of 15 or more persons (including children) occurring more than twelve (12) times per calendar year, for organizations, associations, or loose affiliations of like-minded people meeting to plan or conduct functions or other activities within habitable areas of a residence, subordinate to its use as a residence.

Section 310-39.6 of the Village Code is hereby created as follows:

§ 310-39.6. Gathering Places.

- A. Purpose. The purpose of this local law is to address the need for a new use and additional flexibility in managing residential properties for gatherings of people in residences (gatherings). The Board of Trustees 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 residence for purposes other than the usual family functions of celebrating birthdays and holidays. The existing minimum bulk requirements for places of assembly, yard and setback restrictions and parking requirements are difficult to meet for most residences intended to be used for small gatherings. This local law is not intended to restrict family functions to celebrate birthdays and holidays, etc., but provides procedures that will conform to current New York State Uniform Code requirements for places where either organizations, associations, or loose affiliations of like-minded people meet to plan or conduct functions or other activities, while permitting the review of the specific details of an application to the Village 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 to address specific needs or impacts of the site in the context of the surrounding neighborhoods and roadway access. This permits the flexibility for the Planning Board to match the use in a

specific location to appropriate requirements to address safety in neighborhoods that include residences.

B. Gathering Places, as permitted on the Schedules of Zoning District Regulations, shall comply with the following requirements:

1. Any residence may be used as a gathering place.
2. The owner of the residence, consisting of an individual or family, must reside on site. If the property is owned by a corporation, partnership, limited liability company or other entity, at least one partner, shareholder or member, as the case may be, must reside in the residence.
3. The residence shall conform to the requirements of the district in which it is located. To be eligible for the residence to be used for a gathering place, the gathering place shall have a maximum floor area of 2,000 square feet, or a maximum of 50% of the gross floor area of the residence, whichever is less. Gathering places must comply with all sections of the applicable Uniform Code. The maximum size of the area of assembly will be further governed by the Uniform Code covering the assemblage of people and maximum occupancy limits. Only habitable spaces in compliance with all applicable State and Village Code provisions may be utilized for a gathering place. Under no circumstances may the number of persons attending the gathering exceed 50 on any day.
4. Only those applicable accessory uses permitted as-of-right to the residence shall be allowed at a residence with a gathering place. No kitchen or cooking facilities will be permitted for the gathering place, other than those customarily incidental to a residence. All other uses accessory to a gathering use shall be prohibited including but not limited to administrative offices, bath and shower facilities, gymnasiums, indoor recreation facilities, schools and classrooms. Where such accessory uses are proposed, the use shall no longer be considered a gathering place under this Chapter and shall be subject to regulations of the most closely aligned alternative use, or prohibited if no other closely aligned alternative use exists.
5. No gathering place use may be conducted between the hours of 11:00 pm and 6:00 am.
6. No space within the gathering place may be rented out or utilized for meetings or functions not directly convened or hosted by the owner(s) of the residence.
7. As part of the application to the Planning Board, a narrative shall be submitted, which shall include a general description of the proposed use, including the days and times of operation, and number of persons to be assembled. In addition, a floor plan shall be provided indicating the location of the area(s) where assembly will occur and providing additional information as required in the Uniform Code. All plans shall be prepared to scale with certification by the individual preparing the

plan that it is an accurate representation of the conditions, and shall be signed and sealed by a New York State licensed professional architect or engineer.

8. Required parking. Applicants will first maximize parking spaces on site. Applicants 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 that any such authorization is withdrawn, the Applicant can no longer use the residence as a gathering place unless and until the Applicant returns to the Planning Board for an amended approval. 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. Failure to provide such new authorization nullifies any Planning board approval for a gathering use until such time as a re-authorization is approved by the Planning Board. Such on-site and adjacent driveway spaces are to be allocated and utilized fully before on-street parking resources may be requested or used. 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.
9. Required number of parking spaces. The Planning Board shall determine the required number of parking spaces, consistent with the proposed assembly and parking requirements within this Chapter for places of assembly within the Village.
10. Lighting. Applicants shall provide the minimum effective lighting to permit safe operations. Night sky friendly low-level lighting or bollards are the preferred lighting devices for residential and task lighting. All outdoor lighting shall be shielded in a manner to direct lighting away from adjacent properties and the public street.
11. The gathering place shall maintain the appearance of a residence to the maximum extent possible, and shall be in harmony with the surrounding neighborhoods and be in conformity with the scale and character of its neighborhood. All applications requiring exterior modifications for a gathering place shall also require approval from the Architectural Review Board.
12. Adequate screening shall be required to protect the character and compatibility of adjacent uses. Screening can consist of a wall, fence and/or plantings as approved by the Planning Board.
13. Signs for the gathering place, or for any events or meetings, are not permitted.
14. As gathering places were not a permitted use prior the adoption of this law, any then-existing gathering places have no rights as pre-existing nonconforming uses.

Existing gathering places without approvals are not permitted. Anyone operating a non-permitted gathering place is required to file for special permit approval.

15. The Planning Board shall have discretion to waive up to 3% of any bulk requirement to the extent necessary upon a finding that such waiver(s) shall not result in significant adverse impacts to health, safety or general welfare of the community, neighborhood, or area residents, for good cause shown.
16. Any special permit approval is necessarily based upon the information submitted at the time of the application and approval. Any change to the use, ownership and characteristics as presented will necessitate filing for a revised special 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 also, when applicable, site plan approval.
17. 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 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/Code Enforcement Officer to ensure compliance with the occupancy and safety requirements prior to renewal of the special permit. The Building Inspector/Fire Code Official/Code Enforcement Officer shall conduct an annual fire inspection prior to issuing a renewal.
18. The Board of Trustees shall, from time to time by resolution, establish fees for inspections, as well as issuance and renewal of permits issued pursuant to this section.

The Schedules of Zoning District Regulations contained in Section 310-7 of the Village of Woodbury Village Code are hereby amended as follows:

The R-3A zoning table is hereby amended to add a new accessory use as follows:

7. Gathering Places in Residential Structures, subject to special permit and site plan review. See § 310-39.6.

The LC zoning table is hereby amended to repeal Accessory Use No. 1 and replace it with “Same as R-3A District except Item 6”.

SECTION 2: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this

Local Law or the procedures followed for its adoption, then such laws, including, but not limited to, Article 7 of the New York State Village Law, including but not limited to, Village Law §§ 7-706, 7-708, 7-725-b and associated common law, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 3: SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 4: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.