

VILLAGE OF RED HOOK
LOCAL LAW NO. 3 OF THE YEAR 2023

A LOCAL LAW TO AMEND THE REGULATIONS FOR DAY-CARE FACILITIES

Be it enacted by the Village Board of the Village of Red Hook as follows:

Section 1. **Legislative Intent**

New York State has experienced a shortage of daycare options since the start of the COVID-19 pandemic. The Village seeks to amend its Zoning Law to reduce regulatory barriers to opening new daycare facilities within the General Business and Gateway Business Districts of the Village of Red Hook.

Section 2. Section 200-5B of the Zoning Law, entitled “Definitions” is hereby amended by deleting the definition of “Day-care Facility” and replacing it with the following new definition for “Day-care facility” to read as follows:

Day-care Facility – An umbrella term which includes both “Childcare facility” and “Family day-care home” facilities.

Section 3. Section 200-5B of the Zoning Law, entitled “Definitions” is hereby amended by deleting the definition of “Nursery School” and replacing it with the following new definition for “Childcare facility” to read as follows:

Childcare facility – a commercial establishment designed to provide daytime care or instruction for six or more children under the age of twelve and operated on a regular basis.

Section 4. Subsection 200-10B of the Zoning Law, entitled “General Business District GB” is hereby amended by inserting a new subsection (11) and to renumber the existing subsection 11 as 12 and all subsections thereafter accordingly, to read as follows:

(11) Day-care facility

Section 5. Subsection 200-11B of the Zoning Law, entitled “Gateway Business District GWB” is hereby amended by inserting a new subsection (13) to read as follows:

(13) Day-care facility

Section 6. Subsection 200-12B(3)(i) of the Zoning Law, entitled “Neighborhood Mixed-Use NMU” is hereby amended by replacing “Nursery School” with “Childcare facility”.

Section 7. Subsection 200-12D(3) of the Zoning Law, entitled “Neighborhood Mixed-Use NMU” is hereby amended by deleting the use “Commercial day-care facilities”.

Section 8. Subsection 200-12H of the Zoning Law, entitled “Commercial day care” is hereby deleted.

Section 9. Subsection 200-14C of the Zoning Law, entitled “Light Industrial Business LIB” is hereby amended by inserting a new subsection (14) to read as follows:

(14) Day-care facility

Section 10. Subsection 200-21B of the Zoning Law, entitled “Day-Care Facilities” is hereby amended to read as follows:

§ 200-21B. Childcare facility.

1. The facility’s operator shall show compliance with the regulations of the New York State Office of Children and Family Services.
2. The setbacks, height, bulk and minimum frontage for the underlying zoning districts shall apply. However, in the R10,000 and R20,000 Districts, in no case shall any building be less than 30 feet from an adjacent residence nor shall parking be placed closer to a front, side or rear property line than 25 feet.
3. A minimum of one off-street parking space for each employee shall be provided in addition to visitor and dropoff parking in the amount of one space per five children.
4. The proposed use shall be subject to site plan review by the Planning Board. The Board shall particularly examine any proposed facility to be certain that the visual and aural impact of the facility is, to the extent possible, consistent with the character of the zoning district in which it is located and that appropriate measures and features are included to assure the safety of the children.

Section 11. Severability

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part of provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Village of Red Hook hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 12. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.