

**VILLAGE OF HIGHLAND FALLS INTRODUCTORY LOCAL LAW
AMENDING THE ZONING LAW TO REDUCE THE MINIMUM REQUIRED SQUARE
FOOTAGE OF EXISTING DWELLING UNITS WITHIN DISTRICTS WHICH ALLOW
SINGLE FAMILY HOMES TO BE CONVERTED TO TWO-FAMILY HOMES**

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

Section 1. Legislative Findings, Purpose and intent.

The Village of Highland Falls Board of Trustees hereby finds and determines that the Village will benefit by reducing the minimum floor area requirements applicable to existing single family homes within zoning districts that permit conversion from single to two-family homes, which will allow existing housing stock within certain districts of the Village to expand while maintaining existing minimum floor area requirements for newly constructed dwelling units.

Section 2. Authority.

This local law is enacted by the Village Board of Trustees of the Village of Highland Falls pursuant to its authority to adopt local laws under the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3. Subsection 240-37B, titled “Minimum schedule,” of Chapter 240, titled “Zoning,” of the Code of the Village of Highland Falls is hereby amended by deleting Subsection B in its entirety and replacing it with the following:

Minimum schedule. Every dwelling or other building devoted in whole or in part to a residential use, which is erected or converted to accommodate additional families, shall provide a minimum floor area per family on finished floors with clear ceiling height of not less than seven feet six inches in conformity with the following schedule and with the other provisions of this section. The minimums stipulated herein shall be deemed to be exclusive of unenclosed porches, breezeways, garage area and basement and cellar rooms or areas.

Type of Residence	Minimum Required Floor Area per Family (square feet)	Minimum First Floor Area (square feet)
Single- and two-family detached Dwelling units constructed after January 1, 2019	1,200	750
Single-family detached dwellings constructed prior to January 1, 2019 converted to two-family detached	850	N/A

dwellings [See Note below]

Townhouse development	1,200	600
Apartment	900	N/A
Mobile homes located in licensed mobile home courts	500	N/A

NOTE. The 850 square-foot minimum per dwelling unit requirement shall apply only to single-family dwellings existing as of January 1, 2019 and eligible for conversion to two-family dwellings and shall not apply to single- or two-family dwelling units constructed after January 1, 2019. An existing single-family dwelling constructed prior to January 1, 2019 that is eligible for and seeks conversion to a two-family dwelling shall not be enlarged in total square footage in order to meet the 850 square-foot minimum per dwelling in the absence of a variance issued by the zoning board of appeals.

Section 4. Supersession, of Inconsistent Laws, if any.

The Village Board hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 5. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof,

Section 6. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.