

ACCESSORY RESIDENTIAL UNITS

Executive Summary:

In the discussions and public workshops that resulted in the creation of Dobbs Ferry's Vision Plan, a number of related goals were identified:

- Make home ownership easier in a time when real estate taxes have increased to adversely impact single-family homeownership;
- Increase the number of affordable residential units throughout the Village with units in every neighborhood;
- Increase diversity throughout the community by providing housing types that suit the needs of households that do not fit the traditional nuclear family model, and
- Accommodate the needs of single-family homeowners in an era that is seeing a disproportionate increase in both the number of senior citizens and starter households.

The Land Use Committee has worked to find a way of creating a type of residential unit that is flexible enough to meet a wide range of needs and which can be integrated into existing single-family homes. It has labeled these echo (accessory) units, which are intended to be carefully controlled with specific limits so that they can achieve the goals identified above without adversely affecting the character of existing single-family neighborhoods.

Discussion:

While the County, State, and Federal governments are trying to find ways to create more affordable housing units, these efforts usually consist of multi-family housing projects. This affordable housing also tends to involve administrative programs that require the "affordability" to fit income limits that do not necessarily accommodate the needs of local teachers, police officers, municipal workers, volunteer firefighters and others who often find it difficult to find place they can afford in Dobbs Ferry.

There is a need to provide "naturally" affordable housing: housing that is created by the private sector without economic restrictions, but which because of type and size can meet the needs of affordability and diversity for people making less than 80% of the Dobbs Ferry median income. There is also a need to make single-family home ownership more economically viable at every age, allowing people to buy homes when they are starting a family and allowing people to age in place in their homes, after their children have left. There are many large, single-family homes in Dobbs Ferry that were built either before 1930, when many homes were designed for extended families, or after 1980, in the era of "McMansions". The viability of these homes would benefit from their being able to include a "tax paying" accessory unit.

The idea is to permit these residential units to be created in owner-occupied, single-family homes; for these units to be limited to studios, one-, and two-bedroom units; for these units to be small, limited to 800 square feet or 33% of the floor area in the house; for parking needs for the accessory unit to be addressed; and to restrict the creation of the accessory unit so that it does not alter the single-family character of the house.

Objectives:

The first objective is to create accessory apartments in single-family homes as a way of providing greater affordability and diversity within the Village.

There is a variety of needs that can be accomplished by this form of housing:

- Small apartments can serve the needs of singles, couples, single parents, and small families in a single-family neighborhood;
- Small apartments can serve the needs of live-in assistance, such as au pairs, house-keepers, and home-care professionals;
- A “mother/daughter” apartment can accommodate young adults needing to move back in with their parents to get started;
- A “mother/daughter” apartment can accommodate aging parents needing to come live with their children;
- Having an accessory rental apartment to provide some income can help make existing homes more affordable for home buyers; and
- Having an accessory rental apartment to provide some income can help maintain the economic viability of seniors on fixed income remaining in their homes.

Following is a general statement capturing the intent of allowing for accessory residential units:

“To provide the opportunity and encouragement for the development of small rental housing units designed, in particular, to meet the special housing needs of single persons and couples of low and moderate income, both young and old, and of relatives of families presently living in the Village of Dobbs Ferry.”

The idea is to accomplish this by making use of extra space in existing single-family homes, which are owner-occupied.

A second objective is to promote the legalization of existing accessory apartments that may be pre-existing to the Zoning Ordinance, and thereby legal, or may simply be illegal apartments that got created over the years. Most owners of homes with illegal accessory apartments try to stay under the radar. This means that they do not take out building permits to do work and sometimes have people living in substandard conditions that can be unsafe and/or unhealthy.

By creating a way of legalizing accessory apartments, owners can bring their units into Code compliance. This should not be seen as a way of letting people “off the hook”, but rather as a way of correcting a situation that will retain the advantages provided by the accessory units, while also allowing for proper inspections.

Approval Requirements:

While there are other programs that can create affordable housing in the Village, accessory units are intended to address a very specific need in a very specific way. The requirements for accessory units are listed in the proposed Land Use Regulations and include the following:

1. A maximum of one accessory dwelling unit shall be permitted for any lot located in a one-family zoning district.
2. The owner of the property on which an accessory dwelling unit is located must occupy at least one of the dwelling units on the premises as the permanent legal resident.
3. The accessory dwelling unit and the principal dwelling must be under the same ownership.
4. An accessory dwelling unit shall be located in the principal building or in a conforming accessory building.
5. No accessory dwelling unit shall exceed 33% of the size of the habitable floor area of the principal unit, or 800 square feet, whatever is more.
6. Accessory dwelling units shall not include more than two bedrooms.
7. In addition to the parking requirements for the principal dwelling and other permitted uses on the lot, one off street vehicular parking space must be provided for the accessory apartments, plus one additional space for each bedroom in excess of one in the accessory apartment.
8. No exterior changes shall be made to the building in which the accessory apartment is located, unless approved by the Planning Board.

It should be noted that two changes were recommended by the Land Use Committee for the above requirements. It was recommended that #7 consider on-street parking for the second parking space, provided that it can be documented that street spaces are readily available. It also recommended that #8 identify that exterior changes to any building require approval by the Architectural and Historical Review Board.

To obtain approval for an accessory apartment, an application to the Planning Board is required. The Planning Board is to deny any application for an accessory apartment, if it determines that to approve the application would have an adverse impact on the character of the single-family neighborhood. Permits are required to be renewed every three years, allowing any problems resulting from either the concept or from a specific unit to be addressed.

There is also a limitation on the total number of accessory dwelling units permitted so that not more than 50 accessory permits are in existence at any one time. This limit can be adjusted by amendment by the Board of Trustees and there is a mandatory review every two years to see if such an adjustment is warranted.

Two changes have been proposed in the June 2010 Draft of the proposed Code. The limit on the total number of accessory apartments permitted at any one time was eliminated, and accessory apartments were eliminated from the primary structure and restricted to being located only in accessory structures.

The idea of imposing a limit on the number of accessory units that can be permitted was intended as a way of restricting the impact that this can have on the Village and there is no evident reason for precluding units in the primary residential structure, permitting them only in accessory structures.

One requirement that many of the communities that permit accessory dwelling units also impose, which has not yet been considered for Dobbs Ferry, is that only homes that have had a Certificate of Occupancy for three years can be considered for accessory dwelling units. This prevents people from deciding to build a house with an integral accessory dwelling unit. It is not exactly clear, however, how this affects the concept and the concept of including accessory dwelling units in developments of single-family homes was previously identified as a way of integrating affordability into those projects.

Summary:

Allowing accessory apartments within single-family residential units has proven to be an effective way of accommodating special housing needs in many other municipalities in Westchester, including Hastings-on-Hudson, Lewisboro, Yorktown, North Salem, Cortlandt, Croton-on-Hudson, and the Town of Ossining. Accessory dwellings in these communities make it possible for people who would not otherwise be able to do so to afford a single-family home, as well as making it possible for people who would not otherwise be able to afford living there to become a positive part of the community.

One of the goals in Dobbs Ferry's Vision Plan is to encourage affordable housing to be integrated throughout the community. The proposed Code includes the obligation for residential developments with 10 units or more to have a minimum of 10% of the units marketed as affordable homes. While this is relatively simple to achieve in large projects of multi-family or attached housing, it is more difficult to achieve in small single-family residential developments. The proposed Code specifically includes a paragraph allowing accessory dwelling units to be used as a way of fulfilling the affordable housing requirement.

It should also be noted that several of the municipalities that have already adopted provisions to permit accessory dwelling units have done so, in part, as a way of "daylighting" existing accessory units so that they can be inspected, legalized when appropriate, properly administrated and assessed. Although there are concerns that allowing accessory dwelling units could adversely impact single-family neighborhoods, the benefits provided by these units and the opportunity of gaining better control of the existing accessory dwelling units in the Village substantially outweigh these concerns. The process that requires each unit to be re-permitted every three years is specifically intended to allow for reevaluation and any problems or conflicts corrected.