



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: JUNE 14, 2022

AGENDA ITEM SECTION: PUBLIC HEARINGS

AGENDA ITEM NO. : 1

DEPARTMENT: ATTORNEY FOR THE VILLAGE

AGENDA ITEM: PUBLIC HEARING ON A LOCAL LAW TO ESTABLISH
ACCESSORY DWELLING UNITS

ITEM BACKUP DOCUMENTATION:

1. DRAFT RESOLUTION
2. MEMORANDUM DATED JUNE 10, 2022, (WITH ATTACHED
COUNTY PLANNING BOARD REFERRAL LETTER DATED MAY
13, 2022), FROM MS. MELISSA FERRARO/VILLAGE
ADMINISTRATOR TO MAYOR ROSSILLO AND THE BOARD OF
TRUSTEES
3. PUBLIC HEARING LEGAL NOTICE
4. DRAFT LOCAL LAW



VILLAGE OF DOBBS FERRY
112 Main Street
Dobbs Ferry, New York 10522
TEL: (914) 231-8500 • FAX: (914) 693-3470

RESOLUTION ____-2022

**RESOLUTION CALLING FOR FINALIZING AND CIRCULATING INTRODUCTORY
LAW TO REVISE TEXT OF ZONING CODE AND TO PERMIT ACCESSORY
DWELLING UNITS, COMMENCE SEQRA REVIEW AND SET THE DATE OF
PUBLIC HEARING**

WHEREAS, with the goal of offering a broader variety of housing options, the Board of Trustees of the Village of Dobbs Ferry has been considering an amendment to the text of Chapter 300 “Zoning” of the Dobbs Ferry Code to establish “accessory dwelling units” as a permissible use in connection with and incidental to principal single-family dwellings in one-family zoning districts; and

WHEREAS, now, having completed discussions during public meetings and reached consensus on the zoning amendments, there remain no further impediments to moving forward with consideration of an introductory local law and proceeding with obligations for the necessary zoning text amendments, including the commencement of review mandated by New York State Environmental Quality Review Act (“SEQRA”), referrals, circulation of notices and the scheduling of a public hearing.

NOW THEREFORE BE IT RESOLVED, that as the sole approval authority for the above detailed action, the Board of Trustees hereby declares itself Lead Agency for purposes of SEQRA and determines the proposed zoning revisions qualify as a Type 1 Action in accordance with the SEQRA regulations; and

BE IT FURTHER RESOLVED, that, the Board of Trustees calls for an introductory local law to be drafted reflecting the proposed amendments to the Village Zoning text and calls for the scheduling of a public hearing to receive comments on the above-referenced Introductory Local Law in the board room at Village Hall, 112 Main Street on Tuesday, June 14, 2022 at 6:30 p.m., or as soon thereafter as the matter may be heard, with such hearing to be conducted in accordance with open meetings law and as otherwise may be permitted by Executive Order in keeping with the Village's goal of protecting public health; and

BE IT FURTHER RESOLVED, that, once drafted, the above referenced introductory local law proposing zoning text amendments and a notice of hearing shall be referred, circulated, posted and published and otherwise made available by the Village Clerk in accordance with applicable laws, including the enhanced notification mandated by NYS Village Law §7-706, and submission of the introductory local law to the Westchester County Planning Board for comments in compliance with NYS General Municipal Law.

Motion By: _____ Seconded By: _____

Vote:

I hereby attest that the above Resolution was approved by the Board of Trustees at its _____, 2022 meeting, and that I have been authorized to sign this Resolution by decision of the Board of Trustees.

Elizabeth A. Dreaper Date
Village Clerk



VILLAGE OF DOBBS FERRY
OFFICE OF THE VILLAGE ADMINISTRATOR
112 Main Street
Dobbs Ferry, New York 10522

To: Mayor Rossillo & Board of Trustees

From: Melissa Ferraro, Village Administrator

Re: Accessory Dwelling Unit County Recommendation

Date: June 10, 2022

NYS General Municipal Law Section 239 requires submission of certain proposed actions to the County Planning Commission before the Village may proceed to final decision. Because the draft Accessory Dwelling Unit Local Law proposes zoning code text amendments, it requires this pre-submission to seek review and input from the County.

Attached is the comment letter received from the County on the draft ADU Law. The County recommends substantive modifications to the law. The General Municipal Law requires the Board of Trustees to enter the specific recommended modifications into the record at the public hearing on June 14 for further discussion and consideration. The ADU law may be adopted as written, without incorporating any of the County's recommended changes. If changes are incorporated, the Village Attorney will advise as to how the Village may proceed.

George Latimer
County Executive

May 13, 2022

Melissa Ferraro, Village Administrator
Village of Dobbs Ferry
112 Main Street
Dobbs Ferry, New York 10522

**County Planning Board Referral File DBF 22-002 – Accessory Dwelling Units
Zoning Text Amendment**

Dear Ms. Ferraro:

The Westchester County Planning Board has received a proposed Local Law that would amend the text of the Village Zoning Ordinance to add provisions for permitting and regulating accessory apartments. As proposed, accessory apartments would be allowed by special permit issued by the Village Planning Board in any single-family residence and could not be more than 800 square feet in size. No more than 50 accessory special permits for accessory apartments may be in existence at any one time.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code.

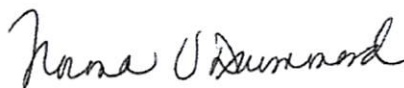
We are supportive of allowing accessory apartments, as such units expand the range of housing types available in Westchester communities, which is consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025—Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995.

We recommend that the Village consider an alternative approach of permitting and regulating accessory apartments as a permitted use in single-family zoning districts, as opposed to using a special permit mechanism. We point out that other Westchester municipalities allow accessory apartments without the need for a special permit and without a cap on the number of apartments permitted. We are not aware of any adverse impacts. We also recommend against using subjective criteria, such as impacts to the "character of the neighborhood", as a means to refuse accessory dwelling unit approval.

Please inform us of the Village's decision so that we can make it a part of the record.

Respectfully,
WESTCHESTER COUNTY PLANNING BOARD

By:



Norma V. Drummond
Commissioner

NVD/LH

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VILLAGE OF DOBBS FERRY
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PLEASE TAKE NOTICE that the Dobbs Ferry Village Board of Trustees will conduct a public hearing at Village Hall, 112 Main Street on Tuesday, June 14, 2022 at 6:30 p.m., or as soon thereafter as the matter may be heard, to receive public comment on an Introductory Local Law which proposes to amend the text of the zoning provisions (Chapter 300) of the Dobbs Ferry Code, to add Accessory Dwelling Units as an specially-permitted use incidental to primary single-family dwellings in the One-Family Zoning Districts in the Village.

In keeping with the Village's goal of protecting public health, the Hearing will be conducted using a hybrid format with both in-person and virtual participation options available to the public. For virtual participation, interested parties may be heard using a web-based videoconferencing service by: (i) typing "join.zoom.us" on your web browser and entering the Webinar ID #205 957 953, Passcode: 309361; or (ii) using the direct link <https://zoom.us/j/205957953?pwd=aU5YNHJVYkxub21WN0RzQUZoVzR0UT09;> or (iii) dialing telephone number 929 205 6099. Parties may also provide written comments in advance of the hearing to the Village Clerk, 112 Main Street or by e-mail LDreaper@dobbsferry.com. Further details on the proposed local law and instructions for participation may be found online at the Village of Dobbs Ferry website www.dobbsferry.com

BY ORDER OF THE BOARD OF TRUSTEES

Dated: May 2, 2022

Elizabeth Dreaper
Village Clerk

LOCAL LAW __-2022

**A LOCAL LAW TO REVISE THE ZONING CODE TO PERMIT AND REGULATE
ACCESSORY DWELLING UNITS IN THE VILLAGE OF DOBBS FERRY**

A LOCAL LAW to permit the establishment of accessory dwelling units as a permitted use in the Village of Dobbs Ferry incidental to principal one-family dwelling units and to set standards and provide a process for review and approvals of the use:

BE IT ENACTED by the Board of Trustees of the Village of Dobbs Ferry, as follows:

Section 1. Legislative Intent. The Village Board of Trustees seeks to amend the Village Code to establish as a permissible use “Accessory Dwelling Units” incidental to principal one-family dwelling unit with the goal of offering a broader variety of housing options to meet the needs of a diverse population.

Section 2. Chapter 300 Zoning and Land Use, Article II Definitions is hereby revised with new matter underlined and deleted matter ~~struck~~ and [bracketed]:

ACCESSORY DWELLING UNIT

A dwelling unit which is incidental and subordinate to a permitted principal use of a one-family dwelling unit, is located on the same lot therewith, and, if it is located in an accessory building, is incidental and subordinate to the permitted principal use of that accessory building.

MULTIFAMILY DWELLING

A building containing three or more residential dwelling units, other than an accessory dwelling unit.

Section 3. Chapter 300 Zoning and Land Use, Section 300-39 “Accessory dwelling unit” is hereby deleted in its entirety and replaced with the following:

Section 300-39 Accessory dwelling units

§ 300-39.1. Intent and purposes.

The intent and purposes of this section are to:

- A. Provide opportunity for the right to establish small rental dwelling units as accessory to single-family dwellings in the Village of Dobbs Ferry and to ensure that any accessory dwelling unit meets applicable building, fire and safety standards.
- B. Establish small rental dwelling units without increasing building density by utilizing residential and accessory building resources as a means to meet the housing needs of populations which may be under-served, especially single persons and couples of all ages with low and moderate incomes, and relatives of existing residents of Dobbs Ferry.
- C. Provide economic support for resident individuals and families, particularly homeowners who would benefit from rental income and those of moderate means, for whom there are limited housing options should they desire to move elsewhere and remain in the Village.
- D. Encourage diversity in the housing stock and the residential population of Dobbs Ferry.
- E. Promote the health, safety and welfare of the residents of the Village of Dobbs Ferry and preserve property values.

§ 300-39.2. Requirements for special permits for accessory apartments.

No special permit for an accessory dwelling unit shall be approved unless the Planning Board finds that all of the following requirements are met:

- A. The accessory dwelling unit is allowed by Special Permit in accordance with Table A-1 of this Chapter.
- B. The accessory dwelling unit must be located in a principal building of a one-family dwelling or in a permitted accessory building on the same property.
- C. The owner of the one-family dwelling unit must occupy either the principal dwelling or the accessory dwelling unit as a principal residence.
- D. The minimum floor area for an accessory dwelling unit shall be 300 square feet, but in no case shall it exceed 33% of the floor area of the principal dwelling or 800 square feet, whichever is less, unless, in the opinion of the

Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of a particular building.

- E. An accessory dwelling unit shall not contain more than two bedrooms, each meeting requirements of applicable codes, including building, fire & safety and zoning.
- F. No additional parking is required for an ADU. At a minimum, existing required parking for the primary dwelling must be maintained or replaced on-site.
- G. Except for improvements mandated by NYS Uniform Code requirements, no exterior changes shall be made to the building in which the accessory dwelling unit is located that, in the reasonable opinion of the Planning Board, would significantly alter the appearance and character of the building as a single-family residence or accessory structure.
- H. The addition of an accessory dwelling unit shall not adversely affect the character of the neighborhood in which it is located. In applying this requirement, the Planning Board shall consider the effect of the proposed accessory dwelling unit on parking, traffic, noise, congestion, appearance, and any other factor that the Planning Board reasonably deems relevant to the character of the neighborhood. The Planning Board may refuse to issue a special permit if it finds that the cumulative effects from approved accessory dwelling units in the neighborhood, including the one proposed, will adversely affect the character of the neighborhood.
- I. The accessory dwelling unit must adhere to current Residential Design Guidelines (as captured in § 300, Appendix G "Residential Design Guidelines").
- J. The accessory dwelling unit must comply with all relevant New York State Uniform Codes, including all requirements for a dwelling unit.
- K. No open violations of the Dobbs Ferry Code shall exist at the time of application for an accessory dwelling unit special permit.
- L. A maximum of 50 validly-issued accessory dwelling unit special permits shall be permitted Village-wide. The limit on the number of accessory

apartment special permits may not be varied by the Zoning Board of Appeals.

§ 300-39.3. Procedure for special permits for accessory dwelling units.

In addition to the procedures set forth in §300-53, the following requirements must be met for a special permit for an accessory dwelling unit:

- A. An applicant for a special permit for an accessory dwelling unit shall provide:
- (1) A sworn affidavit stating compliance with Subsections 300-39.2 C and E.
 - (2) A site plan prepared by a licensed professional based on a property survey indicating existing buildings, walkways, and the location of existing and proposed off-street parking.
 - (3) A plan prepared by a licensed professional of:
 - (a) Floor plan of the proposed accessory dwelling unit; and
 - (b) Any portion of the building in which it is to be located necessary to demonstrate compliance with all applicable New York State Uniform Codes.
- B. The Building Inspector, or his/her designee, shall conduct a physical inspection of the proposed accessory dwelling unit and the building in which it is located and report the results to the Planning Board.
- C. In granting a special permit for an accessory dwelling unit, the Planning Board shall have the authority to impose such reasonable restrictions and conditions as are consistent with the purposes of this Chapter, including but not limited to landscaping or other means of buffering.
- D. Water and sewer service. Prior to the issuance of a building permit for the establishment of an accessory dwelling unit in a principal dwelling building or the conversion of a portion of an accessory building to an accessory dwelling unit use, the applicant must obtain approval of the proposed method of water supply and sewage disposal from the Westchester County Department of Health and shall coordinate such approval with the Village.

§ 300-39.4 Expiration; renewal.

- A. All changes of building ownership require reinspection per § 204-21 of the Village Code. A change in building ownership requires a transfer of the special use permit for an existing permitted accessory dwelling unit.
- B. An accessory dwelling unit special permit shall expire automatically if the new building owner does not apply for a special permit transfer within 90 days of the change of ownership of the building. The new owner must meet all the requirements set forth in § 300-39 in order to obtain the transfer of a permit. The new owner shall not be deemed in violation of this article as long as the application is pending. Should a new owner maintain an accessory dwelling unit but fail to apply for a special permit transfer within 90 days from the taking of title, the new owner shall be deemed in violation of this Chapter.
- C. In such event, the tenant of the accessory dwelling unit shall be permitted to remain for up to the end of their current lease, if the owner of the residence so consents unless the Planning Board approves an additional extension of time by resolution upon receipt of a written request by the property owner for such extension.

§ 300-39.4 Penalties .

- A. Any property owner who allows occupancy of an accessory dwelling unit in violation of this Section or any other provision of this Chapter, or any condition imposed by the Village in connection with an accessory dwelling unit shall be subject to, at a minimum, revocation of any special permit issued in connection with the accessory dwelling unit.
- B. In addition to the foregoing, any property owner who fails to obtain an accessory dwelling unit special permit or who allows occupancy of an accessory dwelling unit in violation of this Chapter, or any condition imposed in connection with the special permit shall be guilty of an offense punishable by a fine of not less than \$2,000. Any continued violation shall constitute a separate additional offense and may be subject to applicable fines.

Section 4. Appendix A Permitted Use Tables, Table A-1: Residential Zoning Districts is revised with new matter underlined and deleted matter ~~struck~~ and [bracketed]:

Table A-1: Residential Zoning Districts

KEY:

PP = Permitted

SP = Special Permit Required

N = Prohibited

PA = Permitted (Accessory)

Use Category	Use Type	OF ¹	MDR-1	MDR-2	MDR-H	B	MF
Accessory Dwelling Unit		[N] <u>SP</u>	N	N	N	N	N

¹ District Designations: One Family is denoted as OF

Section 5. Except as otherwise provided herein, all other provisions of Chapter 300 shall remain the same.

Section 6. This Local Law shall take effect immediately upon filing with Secretary of State and shall be published and posted by the Village Clerk as required by NYS Village Law for amendments to a zoning code.