



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES
REGULAR MEETING AGENDA

MEETING DATE: January 23, 2024

AGENDA ITEM SECTION: Public Hearings

AGENDA ITEM NO. : 1

AGENDA ITEM:

Continuation of public hearing Public hearing on Zoning text amendment to authorize flexibility in the assessment of fees in connection with Special Permits and Building Permits for Accessory Dwelling Units; and Consider a resolution adopting a local law amending the Dobbs Ferry Zoning Code to permit flexibility in assessment of recreation fees in lieu of parkland for accessory dwelling units

ITEM BACKUP DOCUMENTATION:

1. Draft resolution
2. Draft introductory local law

RESOLUTION ADOPTING LOCAL LAW XX-2023 AMENDING THE DOBBS FERRY ZONING CODE TO PERMIT FLEXIBILITY IN ASSESSMENT OF RECREATION FEES IN LIEU OF PARKLAND FOR ACCESSORY DWELLING UNITS AND AMENDING THE MASTER FEE SCHEDULE TO PROVIDE A SLIDING SCALE

WHEREAS, the Board of Trustees of the Village of Dobbs Ferry has been considering adoption of an Introductory Local Law which proposes a text amendment to the “Zoning” chapter of the Dobbs Ferry Code to provide for flexibility in the applicability of fees in lieu of land for park, playground or other recreational purposes in connection with Accessory Dwelling Units; and

WHEREAS, as required by NYS General Municipal Law §239, the draft law was referred to Westchester County Planning which thereafter deemed the law was a matter of local concern and provided no substantive comments; and

WHEREAS, the draft law was also forwarded to the Dobbs Ferry Planning Board for their review and comments; and

WHEREAS, as with any proposed amendment to the Village’s local zoning provisions, the Village Clerk provided written notice of the hearing on the Introductory Local Law as required by NYS Village Law 7-706; and

WHEREAS, for the purpose of receiving comment on the proposed local law, the Board of Trustees duly advertised and conducted a public hearing meeting all requirements of Open Meetings Law on November 14, 2023 which was adjourned to December 12, 2023, during which the public had the opportunity to be heard; and

WHEREAS, following the close of the hearing on December 12, 2023, the matter was the topic of further discussion and deliberation by the Board during which certain non-substantive clarifications were added and the Board determined there were no impediments to proceeding with adoption of the local law as revised; and

WHEREAS, in connection with the local law, the Board discussed the adoption of a sliding scale for the fee in lieu of land for park, playground or other recreational purposes in connection with Accessory Dwelling Units.

NOW, THEREFORE, BE IT RESOLVED, that, the Board of Trustees of the Village of Dobbs Ferry, in its role as Lead Agency for the review of the proposed Unlisted Action under the State Environmental Quality Review Act (“SEQRA”), hereby adopts a Negative Declaration in connection with the proposed law based upon an evaluation of the Environmental Assessment Form prepared for this action; and

BE IT FURTHER RESOLVED, that, the Board of Trustees of the Village of Dobbs Ferry hereby adopts Local Law XX-2023 amending Dobbs Ferry Code Zoning Chapter 300 to provide for flexibility in the applicability of fees in lieu of land for park, playground or other recreational purposes in connection with Accessory Dwelling Units; and

BE IT FURTHER RESOLVED, that, the Village Board hereby directs the Village Clerk to file, publish, post and distribute said Local Law in accordance with applicable laws, including but not limited to NYS Village Law §7-706 requiring publication of a post-adoption legal notice; and

BE IT FURTHER RESOLVED, that, the Village Board hereby adopts the following revision to the Master Fee Schedule with the new matter underlined as authorized by Dobbs Ferry Code Section 175-4:

§ 127-6	ADDITIONAL DWELLING UNIT: PARK OR PLAYGROUND FEES	
	<u>ACCESSORY DWELLING UNIT FEE</u> <u>§300-39(C)(3)</u>	<u>\$ ZERO --- \$8,000 (sliding scale)</u>
	STUDIO FEE	\$6,000.00
	1 BEDROOM FEE	\$8,000.00
	2 BEDROOM FEE	\$10,000.00
	3 BEDROOM FEE	\$12,000.00
	4 BEDROOM FEE	14000 + \$2,000.00 PER BEDROOM

Motion By: _____ Seconded By: _____

Vote:

I hereby attest that the above Resolution was approved by the Board of Trustees at its _____, 2023 meeting, and that I have been authorized to sign this Resolution by decision of the Board of Trustees.

Elizabeth A. Dreaper
Village Clerk

Date

DRAFT

INTRODUCTORY LOCAL LAW

ZONING TEXT AMENDMENT TO AUTHORIZE FLEXIBILITY IN THE ASSESSMENT OF FEES IN CONNECTION WITH SPECIAL PERMITS AND BUILDING PERMITS FOR ACCESSORY DWELLING UNITS

A LOCAL LAW to amend Chapter 300 “Zoning and Land Use” in the Dobbs Ferry Code to provide for flexibility in the applicability of fees in lieu of land for park, playground or other recreational purposes in connection with Accessory Dwelling Units.

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

Section 1. Legislative Intent and Purpose: To better serve the public’s interest and in support of the goal of facilitating Accessory Dwelling Units as a means to offer a broader variety of housing options to meet the needs of a diverse population, the Village Board of Trustees proposes a zoning text amendment to provide more flexibility in the assessment of fees in lieu of land for park, playground or other recreational purposes in connection with Accessory Dwelling Units.

Section 2. Section 300-39(C)(3) of the Dobbs Ferry Code is hereby amended with new matter underlined and deleted matter ~~struck~~ and in [brackets]:

§300-39(C)(3)

“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, and, based upon a review of potential impacts, the Planning Board may recommend waiver of all or any portion of the fee in lieu of land for park, playground or other recreational purposes as set forth in §127-6 (E), such fees being established by the Village Board of Trustees and set forth in the Fee Schedule in accordance with Chapter 175 of the Dobbs Ferry Code. Any applicant opposing the amount of the recommended fee included among the conditions of the special permit may make a written appeal to the Board of Trustees which shall schedule a presentation by the applicant and reach decision by resolution at a public meeting.

Section 3. Except as otherwise provided herein, all other provisions of the Dobbs Ferry Code shall remain unchanged.

Section 4. This Local Law shall take effect immediately upon filing with the Secretary of State in accordance with Section 27 of the NYS Municipal Home Rule Law and shall be published and posted by the Village Clerk as required by law, including NYS Village Law §7-706 applicable to zoning text amendments.