



## **VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA**

<b>MEETING DATE:</b> MARCH 22, 2022
<b>AGENDA ITEM SECTION:</b> DISCUSSION AND RESOLUTION ITEMS
<b>AGENDA ITEM NO. :</b> 1
<b>AGENDA ITEM:</b>
<b>DISCUSSION:</b> CONTINUATION OF DISCUSSION ON ACCESSORY DWELLING UNITS LOCAL LAW
<b>ITEM BACKUP DOCUMENTATION:</b> <ul style="list-style-type: none"><li>1. MEMORANDUM DATED MARCH 15, 2022 FROM VALERIE MONASTRA, AICP/VILLAGE CONSULTING PLANNER TO MAYOR ROSSILLO AND THE BOARD OF TRUSTEES</li><li>2. DRAFT LOCAL LAW TO PERMIT AND REGULATE ACCESSORY DWELLING UNITS IN THE VILLAGE OF DOBBS FERRY</li></ul>

**ITEM BACKUP DOCUMENTATION:**

1. MEMORANDUM DATED MARCH 15, 2022 FROM VALERIE MONASTRA, AICP/VILLAGE CONSULTING PLANNER TO MAYOR ROSSILLO AND THE BOARD OF TRUSTEES
2. DRAFT LOCAL LAW TO PERMIT AND REGULATE ACCESSORY DWELLING UNITS IN THE VILLAGE OF DOBBS FERRY



## MEMORANDUM

**TO:** Mayor Rossillo and Members of the Village Board of Trustees

**FROM:** Valerie Monastra, AICP

**Re:** Accessory Dwelling Units

**DATE:** March 15, 2022

**CC:** Melissa Gilbon Ferraro, Village Administrator  
Lori Lee Dickson Esq., Village Attorney

---

Attached to this memorandum is a revised draft Accessory Dwelling Unit (ADU) law based upon the discussions at the January 25, 2022, Village Board meeting on potential ADU regulations. The changes are redlined in the attached draft local law. There still remains several provisions that require final decisions from the Board. The remaining topics are detailed below.

### Creation of Unit

ADUs can be included in portions of existing homes, additions to existing homes, or in stand-alone accessory structures. The draft law proposes to allow ADUs in portions of existing homes, additions to existing homes, or in a permitted existing accessory building on the same property. The law currently does not provide for the construction of a new stand-alone ADU such as a cottage. The Village Board will need to decide if the Village should allow for the construction of a new stand-alone ADU to be located on a property as part of its ADU law.

The current law also prohibits the development of an ADU if the one-family dwelling has not been in existence in its present size for at least five years prior to the application for the special permit. This provision effectively prevents the development of a new house with an accessory unit included in the development plans. The Village's Affordable Housing Task Force requested that the Board be presented with the option of eliminating this provision.

### Occupancy Requirements

Currently, the draft ADU law requires that the "owner of the one-family dwelling must occupy either the principal dwelling or the accessory dwelling unit as a principal residence." This requirement is in most ADU laws but the Village can permit the principal building and ADU to be rented out. Doing so would then require a discussion regarding the option of permitting two-family homes within the OF districts.

The Village's Affordable Housing Task Force requested the following language be presented to the Board for its consideration for occupancy requirements: "The first lawful occupancy of an accessory dwelling unit shall occur at a time when a unit in the primary dwelling is owner-occupied, and such owner-occupation must continue for at least one year following the first legal occupancy of the accessory dwelling unit."

## Design Requirements

The current law has three provisions related to design requirements for ADUs. They are as follows:

- “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 opinion of the Planning Board, would alter the appearance and character of the building from a single-family residence or accessory structure.”
- “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 deems relevant to the character of the neighborhood. The Planning Board may refuse to issue a special permit if it finds that the number of such approved accessory dwelling units in the neighborhood, including the one proposed, will adversely affect the character of the neighborhood.”
- “The accessory dwelling unit must adhere to current Residential Design Guidelines (as captured in § 300, Appendix G “Residential Design Guidelines”).”

The Village’s Affordable Housing Task Force requested the following options be presented to the Board for its consideration for design requirements:

- Additional design standards for ADUs could include:
  - a. Height and size caps mandating that ADUs be shorter and smaller than the primary dwelling.
  - b. Requirements that detached ADUs be behind the main house or a minimum distance from the street.
  - c. Requirements that the design and location of detached ADUs be managed the same way as other detached structures (e.g., garages) on the lot.
  - d. Design standards for ADUs so they architecturally match the primary dwelling or reflect and complement neighborhood aesthetics.
  - e. Encouragement for the creation of internal ADUs, which are often unnoticed when looking at the house.

In addition, the Westchester County Model ADU law contains the following design standards:

*Design standards for ADUs are stated in this section. If not addressed in this section, base zone development standards apply. All ADUs (accessory apartments and accessory cottages) must meet the following requirements:*

- a. All ADU’s:
  - i. *Size. An ADU may be no more than 800 square feet or the size of the primary dwelling, whichever is less.*

- ii. Parking. No additional parking is required for an ADU. Existing required parking for the primary dwelling must be maintained or replaced on-site.*
- b. Accessory apartments must meet the following additional requirements:*
  - i. Location of entrances. Only one entrance may be located on the facade of the primary dwelling facing the street, unless the primary dwelling contained additional entrances before the accessory apartment was created.*
  - ii. Exterior stairs. Fire escapes or exterior stairs for access to an upper level accessory apartment shall not be located on the front of the primary dwelling.*
- c. Accessory cottages must meet the following additional requirements:*
  - i. Height. The maximum height allowed for an accessory cottage is the lesser of [20-25] feet or the height of the primary dwelling.*
  - ii. Building setbacks. Accessory cottages must be located at least six feet behind the primary dwelling, unless the accessory cottage is in an existing detached structure that does not meet this standard.*
  - iii. Building coverage. The building coverage of an accessory cottage may not be larger than the building coverage of the primary dwelling.*
  - iv. Yard setbacks. No portion of an existing building that encroaches within a required yard setback may be converted to or used as an accessory cottage unless the building complies with setback exemptions available elsewhere in the code (e.g. garages).*



LOCAL LAW \_\_-2021

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

**FOR DISCUSSION PURPOSES ONLY**

A LOCAL LAW to permit the establishment of accessory dwelling units as a permitted use in the Village of Dobbs Ferry and to set standards and provide a process for 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” 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. Purposes.**

The 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 existing 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 the 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, 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.
- F. No additional parking is required for an ADU. 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 opinion of the Planning Board, would alter the appearance and character of the building from 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 deems relevant to the character of the neighborhood. The Planning Board may refuse to issue a special permit if it finds that the number of such 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 valid 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 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, approval of the proposed method of water supply and sewage disposal shall be obtained from the Westchester County Department of Health and shall be further subject to approval by the Village.

**§ 300-39.4 Expiration; renewal.**

- A.
- B. All changes of building ownership requires 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.
- C. 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.

- D. 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.

**§ 300-39.4 Penalties for offenses.**

- A. Any owner who allows occupancy of an accessory dwelling unit in violation of any provision of this Chapter or any condition imposed by the Planning Board in granting the special permit shall be subject to the revocation of the accessory apartment special permit by the Planning Board.
- B. In addition to the foregoing, any building 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 by the Planning Board in granting the special permit shall be guilty of an offense punishable by a fine of not less than \$2,000. Each month's continued violation shall constitute a separate additional violation.

**Section 4.** Except as otherwise provided herein, all other provisions of Chapter 300 shall remain the same.

**Section 5.** This Local Law shall take effect immediately upon filing with Secretary of State and shall be published and posted as required by NYS Village Law.