



VILLAGE OF DOBBS FERRY BOARD OF TRUSTEES AGENDA

MEETING DATE: APRIL 26, 2022
AGENDA ITEM SECTION: DISCUSSION AND RESOLUTION ITEMS
AGENDA ITEM NO. : 2
AGENDA ITEM:
<u>DISCUSSION:</u> DISCUSSION OF ACCESSORY DWELLING UNITS
<u>RESOLUTION:</u> CONSIDER A RESOLUTION TO SCHEDULE A PUBLIC HEARING ON JUNE 14, 2022
ITEM BACKUP DOCUMENTATION:
1. MEMORANDUM AND ATTACHMENT DATED APRIL 20, 2022 FROM VALERIE MONASTRA, AICP/VILLAGE CONSULTING PLANNER TO MAYOR ROSSILLO AND THE BOARD OF TRUSTEES
2. DRAFT RESOLUTION

ITEM BACKUP DOCUMENTATION:

1. MEMORANDUM AND ATTACHMENT DATED APRIL 20, 2022 FROM VALERIE MONASTRA, AICP/VILLAGE CONSULTING PLANNER TO MAYOR ROSSILLO AND THE BOARD OF TRUSTEES
2. DRAFT RESOLUTION



MEMORANDUM

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

FROM: Valerie Monastra, AICP

Re: Accessory Dwelling Units

DATE: April 20, 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 latest discussions with the Village Board. There are no outstanding items for discussion and it is recommended that the Village Board consider calling for a public hearing on the attached local law.

General and Procedural Comments

1. **SEQR.** This local law is categorized as a Type I under SEQR because it consists of “the adoption of changes in the allowable uses within any zoning district affecting 25 or more acres.” The Village Board will be the Lead Agency for this local law. A Long Form Environmental Assessment Form will be circulated to the Village Board prior to the public hearing.
2. **Local Waterfront Revitalization Consistency.** The Village Board will need to make a consistency determination with the Village’s LWRP. A Coastal Consistency Form will be circulated to the Village Board prior to the public hearing.
3. **County Board Referrals.** This local law will require a referral to the Westchester County Planning Board per Section 239 L, M, and N of the New York State General Municipal Law and Section 277.61 of the County Administrative Code because the local law is an amendment to the Zoning and Land Use chapter of the Village Code.

LOCAL LAW ____-2021

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

INTRODUCTORY LAW FOR BOARD DISCUSSION PURPOSES

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 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. 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 by the Village Clerk as required by NYS Village Law for amendments to a zoning code.



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 based on review of Parts 1 and 2 of the Environmental Assessment Form determines the proposed zoning revisions to be a Type 1 Action; 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, May 24, 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