

RESOLUTION NO. 11C OF 2024
TOWN OF STANFORD
INTRODUCTION OF LOCAL LAW NO. 3 FOR THE YEAR 2024
A LOCAL LAW ALLOWING
ACCESSORY DWELLING UNITS IN ALL ZONING DISTRICTS

At a meeting of the Town Board of the Town of Stanford (“Town Board”), held at the Town of Stanford Town Hall on the 14th day of November, 2024, at 7:00 P.M., Town Deputy Supervisor Nathan Lavertue called the meeting to order, and he, seconded by Councilperson _____, moved the following resolutions:

WHEREAS, a Local Law to amend the Town’s Zoning and Subdivision Codes to provide for accessory dwelling units in all districts, known as Proposed Local Law No. 2 of 2024, was introduced at a meeting of the Town Board held on June 13, 2024; and

WHEREAS, at the June 13, 2024 meeting and in connection with the proposed Local Law, the Town Board declared itself Lead Agency for purposes of SEQRA for this Type 1 action; and

WHEREAS, at the June 13, 2024 meeting and in connection with the proposed Local Law, the Town Board adopted and authorized circulation of a copy of Part I of the Full EAF pursuant to the requirements set forth in 6 NYCRR Part 617; and

WHEREAS, the proposed Local Law, with Part 1 of the Full EAF, was referred to the Dutchess County Department of Planning and Development for an advisory opinion pursuant to New York General Municipal Law §239-m and the Dutchess County Department of Planning and Development provided its response without comment stating it was a “matter of local concern;” and

WHEREAS, the proposed Local Law, with Part 1 of the Full EAF, was referred to the Stanford Planning Board for its recommendation pursuant to section 164-56 of the Town Code, and no comment was received from the Planning Board; and

WHEREAS, a properly noticed public hearing was held before the Town Board during the meeting on August 8, 2024, on the proposed Local Law; and

WHEREAS, various comments from the public pertaining to the proposed Local Law were heard at the above-referenced August 8, 2024 meeting; and

WHEREAS, minor revisions to the proposed Local Law were made pursuant to those comments; and

WHEREAS, the proposed Local Law to amend the Town's Zoning Code to provide for accessory dwelling units in all districts, as revised, is now re-introduced pursuant to New York State Municipal Home Rule Law section 20 and eventual adoption pursuant to Chapter 164, Article XI of the Town Code and Sections 264 and 265 of the New York State Town Law;

NOW, THEREFORE, BE IT RESOLVED, that following proposed Local Law, as revised, is hereby re-introduced, to be known now as Proposed Local Law No. 3 of 2024, entitled "A Local Law Amending Chapters 140 and 164 of the Town Code to Allow Accessory Dwelling Units in All Zoning Districts," to read as follows:

BE IT ENACTED by the Town Board of the Town of Stanford as follows:

Section 1. Legislative Intent. Chapter 164 of the Town of Stanford Town Code contains the Town's regulations with respect to Zoning. The Town Board has determined that it is in the best interest of Town to allow one (1) Accessory Dwelling Unit under 1,800 square feet in total floor area per lot in all zoning districts and in compliance with certain requirements which are the subject of this local law. The Town Board now wishes to update the Chapters of the Town Code entitled "Zoning" and "Subdivision" accordingly.

Section 2. Supplementary Use Regulations for Accessory Dwelling Units. A new section "**§164-19.5 - Accessory dwelling units (ADU)**", shall be added to the Zoning Law as follows:

§164-19.5 Accessory Dwelling Units (ADU).

- A. Purpose. It is the intent of this section to allow one (1) Accessory Dwelling Unit per lot, only in compliance with this Section 164-19.5 and issuance of an Accessory Dwelling Unit permit from the Building Inspector. Accessory Dwelling Units may provide the following benefits:
1. Increase the supply of rental housing in the Town;
 2. Encourage the creation of alternative long-term housing that may meet the needs of persons seeking a smaller dwelling unit; and
 3. Encourage a more efficient use of existing housing stock.

- B. Zoning districts. An Accessory Dwelling Unit, as defined in §164-59, is permitted in all zoning districts in conformance with this section, §164-8, and all other applicable sections of the Zoning Law.
- C. Eligibility; attached or detached Accessory Dwelling Unit.
1. An Accessory Dwelling Unit may be a new structure or constructed by modification or addition to the single-family dwelling or by conversion of an existing structure or building located on the same lot as the principal dwelling, provided the Accessory Dwelling Unit is less than or equal to 1,800 square feet in area.
 2. No detached Accessory Dwelling Units shall be allowed in the absence of a separate, principal single-family detached dwelling, which shall be deemed to be the primary use of the premises. A detached Accessory Dwelling Unit shall be required to meet the same setback requirements as an accessory structure in the zoning district in which it is located. Nothing contained herein shall preclude the granting of setback variances, subject to the approval of the Zoning Board of Appeals.
 3. Once created, the Accessory Dwelling Unit may not be subdivided from the principal dwelling.
- D. Standards. The following standards shall apply:
1. DOH approval. The principal dwelling and Accessory Dwelling Unit shall be in full compliance with the standards of the Dutchess County Department of Health. An applicant seeking an Accessory Dwelling Unit permit shall obtain approval of all sanitary sewer or septic systems and water systems from the Dutchess County Department of Health. Lack of an approval from the Dutchess County Department of Health shall constitute a basis for disapproval of an Accessory Dwelling Unit. The Building Inspector may require the Town Engineer to review the application to ensure that the septic and well are able to serve the dwellings adequately.
 2. Well. A water quality test shall be performed by an independent individual or entity, qualified to conduct such tests and submitted to the Building Inspector to determine that the water supply is safe for domestic use and of adequate quantity to supply both the principal and accessory dwellings with potable water. The well test shall include an analysis for potability. In the event that such test determines that the water supply is not safe for domestic use or potable, any procedures necessary to make the supply safe shall be completed and a new, independent test provided prior to the issuance of the Building Permit.
 3. Building Code. Accessory Dwelling Units shall meet all applicable building codes, including the New York State Uniform Fire Prevention and Building Code.
 4. Parking. An applicant seeking an Accessory Dwelling Unit permit must demonstrate that there is area available in which to provide adequate off-street parking for the Accessory Dwelling Unit. A minimum of one (1) additional space per bedroom shall

be provided for the Accessory Dwelling Unit, and parking shall be allowed in a location on the lot as required by the Zoning Law.

5. Number of units. Not more than one (1) Accessory Dwelling Unit shall be permitted anywhere on the parcel.
 6. Accessory Dwelling Unit size. The Accessory Dwelling Unit shall be not more than 1800 square feet in total floor area. Variances shall not be granted for a proposed Accessory Dwelling Unit in excess of 1800 total square feet.
 7. Access. Separate direct access to the exterior shall be provided from the Accessory Dwelling Unit. Access between the principal dwelling and the Accessory Dwelling Unit is permissible provided any doors providing such access must be "lockable" from both sides.
 8. Exterior alterations. In the case of a residential structure of historic significance, where that building is listed or eligible for listing on the National or State Historic Registers, no exterior modifications that would alter the historic integrity and appearance of the building are permitted.
 9. Habitable space. The Accessory Dwelling Unit shall not be located in a basement or an attic, except where said space is deemed habitable space as per the New York State Uniform Fire Prevention and Building Code.
 10. Facilities separate from principal dwelling. The Accessory Dwelling Unit shall have a separate kitchen, bathroom, and living or sleeping facilities from the principal dwelling. The kitchen shall be appropriately sized and consist of at least a sink, built-in cook top or range, and refrigerator. The Accessory Dwelling Unit shall have a fully enclosed separate bathroom consisting of at least a toilet, sink and shower or bath.
 11. Cluster development. An Accessory Dwelling Unit is permitted in a dwelling located in a cluster subdivision, but shall not be allowed within a detached accessory structure.
 12. Short-term rental. Nothing herein shall be construed to allow a Short-Term Rental in accordance with these provisions, which use shall be otherwise regulated elsewhere in this Zoning Law.
 13. Other provisions. Nothing herein shall be deemed to limit provisions of this Zoning Law applicable to Duplex and Two-Family Dwellings, Accessory Apartments or Guest Cottages.
- E. Submission. The following shall be submitted to the building department in order to determine whether the proposed Accessory Dwelling Unit meets the requirements set forth herein:

1. A floor plan to scale of the principal dwelling and the Accessory Dwelling Unit, and the location of the proposed Accessory Dwelling Unit shown thereon. Dimensions shall be provided of the entire dwelling and Accessory Dwelling Unit to determine compliance with the standards set forth herein.
 2. Supporting documents, showing the location and size of the existing and proposed septic system and well, and the structures on the lot, both as they exist and as they would appear with the Accessory Dwelling Unit(s). Parking locations shall be shown.
- F. Application procedure and decision.
1. Application. An applicant shall submit a building permit application to the Building Inspector with a checklist attachment and other submissions establishing compliance with all the requirements for an ADU.
 2. Fees. Fees shall be paid and include the standard Building Permit Fee and any other reasonable fee as set forth, from time to time, in the fee schedule established and annually reviewed by the Town Board.
- G. Building permits and certificates of occupancy. An Accessory Dwelling Unit shall comply with the provisions of §§ 96-8 through 96-23 of the Zoning Law, which require issuance of a Building Permit for construction and a Certificate of Occupancy for occupancy.
- H. NYS Building Code. Nothing in this Section is intended to supersede any of the provisions of the New York State Uniform Fire Prevention and Building Code, as may be amended from time to time. If any of the provisions herein conflict with the New York State Uniform Fire Prevention and Building Code, the New York State Uniform Fire Prevention and Building Code shall control. Habitable living space shall not be approved or occupied except in compliance with all applicable federal, state and local laws, codes, rules and regulations and the Building Department shall have the right to periodically inspect the premises, upon reasonable notice to the owner, to ensure that all applicable laws and codes are being followed.

Section 3. District Schedule of Use Regulations. Under **§164-8 – District Schedule of Use Regulations**, is hereby amended to add the use "Accessory Dwelling Unit in accordance with §164-19.5." Such use shall have the designation "P[†]" under the following categories: "CR", "AR", "RR", and "RC"; and shall have the designation "SP^{††}" under the "LR" category. Additionally, the following provisions shall be added to the section entitled "Notes" at the end of §164-8 (E):

- † Shall be a permitted accessory use to the principal single-family residential use in the specified district.
- †† Special use permit review and approval shall be required in accordance with the procedure and requirements established within Article VII of this chapter for an "Accessory Dwelling Units in accordance with §164-19.5" in the Upton Lake LR Zoning District. "Accessory Dwelling Units in accordance with §164-19.5" shall be a permitted

accessory use to the principal single-family residential use in the Hunns Lake LR Zoning District.

Section 4. Definitions.

- a) **§164-59[54]** shall be modified to read as follows: “Dwelling, Accessory – A self-contained dwelling unit, having its own exterior or interior entrance and which is subordinate to the principal residence **or dwelling**, shares no kitchen, bath, living or sleeping facilities with the principal residence **or dwelling** and is located on the same lot **as the principal residence or dwelling. An Accessory Dwelling Unit or ADU is an accessory dwelling in compliance with the requirements of §164-19.5.**

Section 5. Conservation Density Subdivision. The regulations set forth in **§140-25 - Conservation density subdivision, Subsection (B)** shall be modified to read as follows:

B. Minimum lot area. A conservation density subdivision shall require a minimum lot area of five acres and a minimum average lot area of 25 acres. All lots created within a conservation density subdivision shall be permanently restricted by a conservation easement from further subdivision and shall, by virtue of the expressed language of said easement, be restricted to the development of one principal single-family dwelling unit and permitted accessory buildings and structures per approved lot, including a guest cottage or **an Accessory Dwelling Unit**, except as may be otherwise authorized on active farm parcels.

Section 9. Site Plan Review and Approval. The regulations set forth in **§164-30 – Applicability; general procedure** shall be modified to read as follows:

In accordance with Article III, § 164-8, District Schedule of Use Regulations, prior to the issuance of a building permit or certificate of occupancy for a change of use in any district, except for a one-family dwelling and related accessory uses, including **Accessory Dwelling Units**, permitted home occupations or agricultural and conservation uses permitted by right, the Building Inspector shall require the preparation and approval of a site plan. The Building Inspector shall refer the applicant to the Planning Board for site plan review and approval in accordance with § 274-a of the Town Law and the more specific design standards and review procedures set forth in this article.

Section 10. Numbering for Codification. It is the intention of the Town of Stanford Town Board and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the Town of Stanford; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word “Local Law” shall be changed to “Chapter,” “Section” or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 11. Severability. The invalidity of any word, section, clause, paragraph, sentence, part or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 12. Effective Date. This Local Law shall take effect as of the date of filing with the New York Secretary of State.

AND BE IT FURTHER RESOLVED, that the Town Board finds that the revisions are not material and, therefore, reaffirms and ratifies the previously approved Part I of the Full EAF and authorizes circulation of copy of same pursuant to the requirements set forth in 6 NYCRR Part 617; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to refer the proposed Local Law to the Stanford Planning Board for its report and recommendation pursuant to section 164-56 of the Town Code; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to refer the proposed Local Law to the Dutchess County Department of Planning & Development pursuant to New York General Municipal Law § 239-m; and

BE IT FURTHER RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Town Hall on _____, 2024, at 7 o'clock P.M., and that notice of said meeting shall be published in the official newspaper of general circulation in the Town of Stanford by the Town Clerk, at least ten (10) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Town Board of the Town of Stanford will hold a public hearing at the Town Hall, 26 Town Hall Road, Stanfordville, New York 12581, on _____, 2024, at 7 o'clock P.M. on Proposed Local Law No. ____ of 2024, entitled "A Local Law Amending Chapter 164 of the Town Code to Allow Accessory Dwelling Units in All Zoning Districts."

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Town of Stanford Town Hall, 26 Town Hall Road, Stanfordville, New York, during normal business hours on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Stanfordville, New York
_____, 2024

RITAMARY BELL, TOWN CLERK

The foregoing resolution was voted upon with all Board members voting as follows:

Wendy Burton, Supervisor _____
Nathan Lavertue, Councilperson _____
Julia Descoteaux, Councilperson _____
Eric Haims, Councilperson _____
Theodore Secor, Councilperson _____

Dated: _____, 2024
Stanfordville, New York

RITAMARY BELL, TOWN CLERK