



RECOMMENDATION

Neil Bettez, Supervisor
Town of New Paltz
P.O. Box 550
New Paltz, N.Y. 12561

REFERRAL NO: 2023-077
DATE REVIEWED: 6/7/2023

Re: Accessory Dwelling Units – Zoning Statute Amendment

Summary

The Town of New Paltz is updating the accessory dwelling unit (ADU) standards in its zoning statute to “Increase housing affordability and create a wider range of housing opportunities in residential neighborhoods.” ADUs will be allowed in any district that allows single-family housing including the floodplain district.

Materials Submitted for Review:

- Ulster County Planning Board Referral Submittal Form
- Local Law
- Lead Agency Notice
- Public Hearing Notice
- Transmittal Overview

Recommendations

The UCPB supports the Town’s efforts to improve and ease the restrictions on allowing ADUs town-wide. Allowing ADUs to be internal without specifying the portion of the structure, focusing instead on meeting building code requirements, attached, and detached are fully supported by the Ulster County Housing Smart Community Suggested Best Practices. The minimum term of the rental language of no less than thirty days with proof of rental agreement does an excellent job of effectively banning short-term rentals in these structures, reserving them instead for full-time residents. The Board’s comments focus on a few best practices not included in these laws and standard recommendations from the County Planning Board used in other communities, similarly, seeking to upgrade their zoning statute for ADUs.

Housing Smart Communities Suggested Best Practices

Two key best practices mentioned in the Ulster County’s Smart Communities Initiative (<https://hsci.ulstercountyny.gov/housing-smart-actions/development-of-accessory-dwelling-units/>) that are absent from this proposal are the reduction of off-street parking requirements and the requirement that ADUs are rented at rates affordable to households earning 80% or less of Area Median Income (AMI).

Minimum parking requirements for ADUs are a potential barrier to the creation of ADU units in a community, eliminating the possibility of an ADU on, for example, undersized lots, that could otherwise support the creation of such a unit, might be obstructed from adding it.

ADUs as smaller, secondary units, serve to increase the available housing supply, and preventing them from being utilized as short-term rentals keeps them available to residents, but in themselves does not mean they

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will have affordable rents. Going the extra step to require affordability thresholds fulfills the Town's goals in a more impactful way while still affording residents the opportunity, through the creation of an ADU on their property, additional income opportunities.

Required Modification

The UCPB recommends the Town remove the minimum off-street parking lot requirements or at a minimum, allow for this requirement to be waived either at the code enforcement and/or planning board's discretion if it is the key deciding factor in which an ADU would not be otherwise allowed on a property.

Required Modification

The UCPB recommends that ADUs have an affordability requirement set to 80% or less of AMI.

Minimum Lot Size – Required Modifications

The proposed law requires that all types of ADU, regardless of whether they be internal, attached, or in accessory structures, conform to the underlying setbacks and bulk standards of the statute, but does allow for exceptions for principal residences created before the adoption of this law to be considered "complying such minimum lot requirements" and would allow for an ADU. For newer units, however, including detached accessory residential structures, if adequate water and sewer/wastewater treatment is available on site, they are allowed on nonconforming or undersized lots. For lots with unique physical site constraints, the code enforcement could also be empowered to refer these to the Town Planning Board for site plan review.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

Cc: Adele Ruger, UCPB