



Planning Board

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TO: Mayor Pugh and the Board of Trustees

FROM: Robert Luntz, Chairman of the Planning Board

RE: Accessory Dwelling Units

DATE: August 21, 2023

At its regularly scheduled meeting on August 1st 2023, the Planning Board of the Village of Croton-on-Hudson continued a discussion regarding the implementation of a Accessory Dwelling Unit regulations.

The Planning Board is familiar with accessory apartment regulations, but there is another discussion now concerning accessory cottages, differentiated by being separate structures on a property. Prior to 1931, there were no zoning regulations, from 1931-1961 the zoning code allowed a dwelling in an accessory building on a property for family members or guests with some conditions. After 1961, the zoning laws were changed and accessory structures were no longer allowed until the accessory apartment law was adopted in 1982.

The purpose of updating the zoning code is that the Village seeks to create additional housing options through the more efficient use of existing housing stock and properties, while respecting the look and scale of its residential districts. This subsection is further intended to provide housing that responds to changing family needs and to provide economic support to homeowners by allowing means of rental income.

The Planning Board members feel that it is important to set clear guidelines including the number of bedrooms allowed in an accessory cottage, the duration of a permit and a minimum lease time of at least six months, as well as others.

As it is written now, an accessory structure needs to be five-feet to the property line, must be in a side or rear yard, cannot be closer to the street than the primary structure and must not be taller than 15-feet high (single story). Currently, in some of the zoning districts, the existing accessory structures do not meet this criteria.

As the preliminary law is written, you can have an accessory cottage in an existing accessory structure that is on or very close to the property line, which the Planning Board is not in favor of. A new structure would have to be build 10-feet from the property line. The Planning Board would be in favor of adding language to the code stating that if you wanted to convert an existing structure (garage) to an accessory cottage, that it would have to meet the current accessory structure setback of 5-feet.

Currently, the way the code is written, an accessory dwelling unit must be no smaller than 400 square feet, no greater than 800 square feet, and in no case larger than the primary dwelling structure. That square foot minimum requirement would preclude some existing structures from being converted unless they were added on to, which would be allowed.

The Planning Board members believe that it would be difficult to have an accessory cottage on a lot in the R-5 zoning district, and therefore is recommending against its use in that particular zone, despite the fact that R-5 would be a desirable location due to its proximity to the train station and commercial areas in the Upper Village and Harmon areas.

Regarding the two-family zoning districts, you can not have an accessory apartment or cottage in a two-family home as you already have two dwelling units on the lot. As the code is written now, you could not have an additional accessory dwelling on a lot that already has a two-family home.

On many larger lots, there are septic systems so an accessory cottage would be difficult to site. To accommodate an additional dwelling, an additional septic system would have to be added or the existing system enlarged.

For new construction of accessory cottages, the Planning Board would be in favor of the notion of them being permitted on the larger lots, potentially RA-25, RA-40 and RA-60 with a 25,000 square-foot minimum lot size.

On larger lots (minimum 25,000 square-feet) that were identified for constructing new accessory cottages, the Planning Board is okay with an existing non-conforming accessory structure that could be utilized as an accessory cottage, non-conforming meaning that it doesn't meet the 5-foot setback requirement.

The Planning Board continues to have concerns and would like to further discuss the following issues:

- Possibly limiting the number of permits granted in the first year, then reviewing the impact on the community,
- Parking requirements,
- Whether to require physical inspection by the Building Department before issuing an Accessory Cottage permit