

Local Law 9 of 2025

Adopted 11.18.2025

**A LOCAL LAW AMENDING CHAPTER 295, ZONING, TO AMEND PROVISIONS RELATED TO ACCESSORY APARTMENTS AND ACCESSORY DWELLING UNITS**

Be it enacted by the Board of Trustees of the Village of Hastings-on-Hudson as follows:

**SECTION 1.** Section 295-5 Definitions is amended to delete the definition of Accessory Apartment in its entirety.

**SECTION 2.** Section 295-5 Definitions is hereby amended to add a new definition of Accessory Dwelling Unit to read as follows:

**ACCESSORY DWELLING UNIT**

An accessory dwelling unit is a dwelling unit located on the same lot as a single-family housing unit, and located within the principal dwelling or in any accessory building on the lot, and which is subordinate to the principal one-family dwelling unit in terms of size, location and appearance, and provides complete housekeeping facilities for one family, including independent cooking, bathroom and sleeping facilities.

**SECTION 3.** Section 295-67 One-Family Residence (R-20) Districts, subsection C is amended to add new subsections (9) and (10) to read as follows:

(9) Accessory dwelling units but only upon the issuance of an accessory dwelling unit permit issued in accordance with §295-53.2.

(10) Boarders, but only upon the issuance of a boarder permit issued pursuant to the following:

(a) In a single-family dwelling, not more than two nontransient boarders or roomers shall be permitted, provided that the following conditions are met:

[1] The applicant property owner must occupy as a principal residence the premises for which permission is sought to house boarders or roomers, and the applicant must have occupied said premises for at least 24 months immediately preceding the date of the application.

[2] Each sleeping room utilized by a single boarder shall have not less than 100 square feet of floor area, exclusive of closet space, in any such room, and each sleeping room utilized by two boarders shall have not less than 120 square feet of floor area, exclusive of closet space, in any such room.

[3] The dwelling may not have an accessory dwelling unit, nor may any accessory dwelling unit exist in any other building on the property.

[4] The dwelling shall be in compliance with this chapter and all applicable building, fire, electrical, health and other safety codes.

[5] In addition to the parking requirements for the principal dwelling and other permitted uses, one off-street vehicular parking space must be provided for each boarder or roomer. Boarders and/or roomers shall be permitted to keep on the subject premises only regular passenger automobiles or motorcycles.

[6] Food storage and microwave ovens are permitted after issuance of a boarder permit by the Building Inspector. Refrigerated food storage shall be limited to six-cubic-foot-capacity storage units.

Nonrefrigerated food storage will not be included in the limitation. Microwave ovens shall be utilized on a table or bench not to exceed 36 inches in height.

[7] The property owner must obtain a boarder permit from the Building Inspector for each boarder. The Building Inspector may issue the boarder permit only after the subject application is reviewed and approved by him or her. Such review shall include but not be limited to a physical inspection of the property to ascertain the adequacy of the structure to accommodate such use, and the adequacy of the site to provide appropriate off-street parking facilities.

(b) Every application for a boarder permit shall be accompanied by a fee to be set by the Board of Trustees pursuant to § 295-152 of this chapter.

(c) A boarder permit shall be issued for a period of not more than two years.

(d) The Building Inspector shall establish all rules and regulations necessary to administer the provisions of this section. A record of all such permits shall be kept in the office of the Building Inspector.

(e) There shall be a limitation on the issuance of boarder permits so that not more than 100 boarder permits are in existence during any calendar year.

(f) All owners of dwellings that house one or more roomer or boarder on the effective date of this subsection shall apply to the Building Inspector for a boarder permit within 90 days of the effective date of this subsection. If

application is made within 90 days, the owner of the dwelling shall not be deemed in violation of this subsection until a final determination on the application has been made. If application is not made within 90 days, the owner of the dwelling shall be deemed in violation of this subsection.

(g) A boarder permit shall expire automatically upon change of ownership of the dwelling or when the owner ceases to reside in the dwelling. In such event, the roomer(s) or boarder(s) shall be permitted to reside in the dwelling for 60 days if the owner of the dwelling so consents, unless the Building Inspector approves an additional extension of time.

(h) In the event that a dwelling with a valid boarder permit is sold or transferred, the new owner may, within 60 days from the taking of title, apply for a boarder permit. All of the conditions set forth above must be met, except the new owner need not have occupied the premises for 24 months preceding the application. If an application is submitted within the sixty-day period, the new owner shall not be deemed in violation of this subsection, notwithstanding the fact that the previous boarder permit expired. Should the new owner have (a) boarder(s) or roomer(s) but fail to apply for a boarder permit within 60 days from the taking of title, the new owner shall be deemed in violation of this chapter. In addition, the new owner shall be precluded from applying for a boarder permit for a period of one year from the date on which title was transferred.

(i) Any property owner who houses roomer(s) or boarder(s) and who fails to obtain a boarder permit or who violates any provision of this section or any regulation made under it shall be guilty of an offense punishable by a fine of not more than \$500 upon conviction of a first offense, and, for the second and each subsequent conviction, by a fine of not more than \$1,500. Each month's continued violation shall constitute a separate additional violation. In addition to the foregoing, any owner who violates any provision of this subsection shall be subject to revocation of the boarder permit by the Building Inspector.

**SECTION 4.** Section 295-67 One-Family Residence (R-20) Districts, subsection D is hereby deleted in its entirety.

**SECTION 5.** Article VII Supplementary Regulations of Chapter 295 Zoning is amended to add new Section 295-53.2 to read as follows:

§295-53.2 Accessory Dwelling Units.

A. Statement of purposes.

(1) It is the purpose of this subsection to legalize and control accessory dwelling units in in the Village of Hastings-on-Hudson and to assure that accessory dwelling units do not contribute to traffic congestion and parking problems, and that they meet minimum health, fire and safety standards.

(2) It is the further purpose of this subsection to create small rental housing units without increasing density, by utilizing existing housing stock and resources. This subsection is also intended to provide economic support for resident families, particularly the elderly and those of moderate income, and to encourage diversity in the population of the Village of Hastings-on-Hudson.

B. On any lot containing a single-family residence as a principal use located in the R-20, R-10, R-7.5, 2R, 2R-3.5, MR-2.5, MR-1.5, MR-O or MR-C Zoning Districts, one accessory dwelling unit shall be permitted, provided that the following conditions are met:

(1) The owner of the lot on which the accessory dwelling unit is to be located shall occupy one of the dwelling units on the premises as a principal residence.

(2) An accessory dwelling unit may be located in the principal building or in a conforming accessory building.

(3) An accessory dwelling unit shall not be permitted on a lot that houses one or more boarders or roomers.

(4) 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 a waiver is issued by the Planning Board, upon a determination that a greater or lesser amount of floor area is warranted by the specific circumstances of a particular building or lot.

(5) An accessory dwelling unit shall not include more than two bedrooms.

(6) In addition to the parking requirements for the principal dwelling and other permitted uses, one off-street parking space must be provided for the accessory dwelling unit, plus one additional space for each bedroom in excess of one in the accessory dwelling unit, unless a waiver is issued by the Planning Board, upon a determination that given the specific circumstances and location of a particular lot and considering the availability of on street or other off-site parking a parking waiver would be appropriate.

(7) The proposed accessory dwelling unit shall be in compliance with all applicable building, fire, electrical, health and other safety codes.

### C. Procedure.

- (1) An applicant for an accessory dwelling unit permit shall submit an application to the Building Inspector including a site plan showing existing building and lot conditions and a dimensional floor plan of the principal building and the proposed accessory dwelling unit. The site plan shall also include a location map showing the applicant's property and adjacent property and streets, location of existing and proposed off-street parking and ingress and egress to the site. If the accessory dwelling unit is to be located in an addition to the existing residence or in a new accessory structure, the site plan shall also indicate grading and stormwater management and utility connections if a new structure, as well as any other information typically required by the Building Inspector for issuance of a building permit.
- (2) The Building Inspector shall make a physical inspection of the residence in which the accessory dwelling unit is to be located.
- (3) An accessory dwelling unit permit shall be issued by the Building Inspector if it complies with all the requirements set forth in subsection 295-53.2B. above without the need for any waivers, and is not proposed in a new accessory structure constructed after October 31, 2025.
- (4) If an accessory dwelling unit requires a waiver from any of the requirements set forth in B. above, or is proposed in a new accessory structure constructed after October 31, 2025, the Building Inspector shall forward the application to the Planning Board to conduct a public hearing on the application on the same notice as that required for a zoning variance, except that mail notice need not be by certified mail, and to make a determination on the application with the waiver. If the Planning Board determines the waiver is not appropriate the applicant may modify the application to eliminate the need for the waiver, or the Planning Board may deny the application. The Planning Board shall consider the impact of the waiver on traffic, congestion, appearance, single family character of the neighborhood, and any other factor that the Planning Board deems consistent with the purposes of this section. The Planning Board may impose reasonable conditions in relation to the granting of a waiver.
- (5) Every application for an accessory dwelling unit permit shall be accompanied by a fee to be set by the Board of Trustees pursuant to § 295-152 of this chapter.
- (6) A record of all accessory dwelling unit permits shall be kept in the Village office.

(7) An accessory dwelling unit permit shall be issued for a period of not more than five years and may be renewed by application to the Building Inspector. Notice of the renewal request shall be given by the applicant to all property owners within 300 feet by regular mail, with certificate of mailing provided, advising that any objection to the renewal shall be provided to the Building Inspector in writing or by electronic mail. Prior to renewal of the accessory dwelling unit permit, the Building Inspector shall inspect the accessory dwelling unit and determine that all the requirements of this subsection are met. Provided that no objections are received within thirty (30) days of the date of mailing of the notice, and the Building Inspector has determined that the accessory dwelling unit is in compliance, the Building Inspector shall renew the permit for an additional five years. If objections are filed, the Building Inspector shall have the option of forwarding the request to the Planning Board to conduct a public hearing on the renewal application on the same notice as that required for a zoning variance, except that mail notice need not be by certified mail, or to make a determination on the application.

(8) Upon a change in ownership, should the new owner desire to continue the accessory dwelling unit use, the new owner shall provide notification to the Building Department confirming the new owner will reside in the premises as required and that they are aware of the laws regarding accessory dwelling units and will remain in compliance. Such notice shall be provided within 90 days of the change of ownership. Upon the Building Department receipt of such notice, the Village records shall reflect a permit issued to the new owner for a new term of five years. Failure to timely file such notice will result in a revocation of the accessory dwelling unit approval. In such event, the tenant of the accessory dwelling unit shall be permitted to remain in the unit for 60 days, if the owner of the principal residence so consents, unless the Planning Board approves an additional extension of time.

(9) Any owner, builder, or any agent acting on behalf of either who fails to obtain an accessory dwelling unit permit, allows occupancy of an accessory dwelling unit in violation of this subsection, or constructs or causes to be constructed an accessory dwelling unit without proper authorization shall be guilty of an offense punishable by a fine of not less than \$1,000. Each month that the violation continues shall constitute a separate and additional offense. In addition to the foregoing, any owner who violates any provision of this subsection or any condition imposed by the Planning Board in granting the permit shall be subject to the revocation of the permit.

**SECTION 6.** Section 295-68 One-Family Residence (R-10) Districts, subsection D is hereby deleted in its entirety.

**SECTION 7.** Section 295-69 One-Family Residence (R-7.5) Districts, subsection D is hereby deleted in its entirety.

**SECTION 8.** Section 295-70 Two-Family Residence (2R) Districts, subsection C.(2) is hereby deleted in its entirety.

**SECTION 9.** Section 295-71 Two-Family Residence (2R-3.5) Districts, subsection D is hereby deleted in its entirety.

**SECTION 10. SEVERABILITY**

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

**SECTION 11. EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.