

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of MARBLETOWN

FILED
STATE RECORDS

FEB 10 2022

Local Law No. 2 of the year 20²²

DEPARTMENT OF STATE

A local law ACCESSORY APARTMENT (DWELLING) LAW
(Insert Title)

Be it enacted by the TOWN BOARD OF THE TOWN OF MARBLETOWN of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of MARBLETOWN

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Accessory Apartment (Dwelling) Law Town of Marbletown



Local Law No. 2 of 2022 Accessory Apartment Law is intended to supersede and replace Local Law # 1 of 2019.

SECTION I. SHORT TITLE AND PURPOSE

This Local Law is to be known as the **Local Law 2 of 2022 Accessory Apartment Law**. This Law amends the Zoning Law to revise and replace the existing provisions of the Town of Marbletown Code, as it applies to Accessory Apartments. It is the intent of the Town of Marbletown to expand upon and clarify provisions of Local Law # 1 of 2019. The intent of this law and Local Law # 1 2019 was to allow for expanded opportunities through the creation and development of affordable housing, housing for local workers, young residents and to create housing opportunities that support the retention of senior residents who no longer require larger homes but wish to remain in the community.

SECTION II. LEGISLATIVE FINDINGS

The Town Board of the Town of Marbletown hereby adopts and makes the following findings:

1. The Town Zoning Law is in need of revision to ensure compliance with the policies and objectives of the Town Comprehensive Plan and other related plans proposed and adopted in recent years.

SECTION III. AMENDMENTS TO EXISTING SECTIONS OF THE CODE

The following sections of the Town of Marbletown Zoning Code shall be amended as follows:

§200-13. ACCESSORY APARTMENT— a dwelling unit, which contains cooking, sanitary and sleeping facilities, contains a minimum of 350 sq. ft. of habitable space as defined by the Property Maintenance Code 2015 of New York State, with a maximum of 900 sq. ft., contained within the primary residential structure or an approved detached structure.

§200-46.D.(15), Apartments accessory to the principal permitted residential use and **on the same parcel are permitted in all districts, except that they shall not be allowed in the I-1 District and a Special Use Permit shall be required in the SR districts. Exterior modifications to existing structures or the construction of a new detached structure, to house an Accessory Apartment, in the SR District shall require a Certificate of Appropriateness providing conformity with the District Design Guidelines.**

§ 200-59 (B) shall be supersede and Accessory Apartments shall be allowed.

§200-8 Schedule of Use Regulations shall be allowed in all districts except Light Industrial.

Accessory Apartments under Accessory Uses shall be modified to reflect their being Permitted in all districts except the I-1 shall remain disallowed. Accessory Apartments in the SR District shall require a Special Use Permit (SU) and a Certificate of Appropriateness for new construction and the exterior modification of existing structures.

SECTION IV, ACCESSORY APARTMENT

1. Accessory Apartment shall be allowed in the principal residence (a common foundation or connected to the principal structure), shall be required to comply with the required minimum lot area of the zoning district in which it is located or be a pre-existing non-conforming (undersized) lot and shall not require any additional lot area for the Accessory Apartment. Only one Accessory Apartment unit per property shall be eligible for such provision.
2. An Accessory Apartment located in a legal detached structure, shall comply with the required minimum lot area of the zoning district in which it is located, or
 - a. In the event, that the parcel is an existing undersized lot with more than 50% of the minimum area required under the existing zoning district, and where the detached structure is legally permitted and in existence prior to the adoption of Local Law # 1 of 2019, the Accessory Apartment shall be allowed. On any such lot, new construction may be permitted for an Accessory Apartment provided that the structure meets the setback requirements of the District and does not create a non-conforming bulk in relation to lot coverage.
 - b. For existing undersized lots that are less than 50% of the area required, under the existing zoning district, and where the detached structure is legally permitted and in existence prior to the adoption of Local Law # 1 of 2019, the applicant may apply to the Zoning Board of Appeals for an area variance.
 - c. Additional dwelling units on the same property may be constructed but shall be subject to the provisions of §200-24.A. **§200-24.A Allows up to three dwelling units/single family dwellings, the one additional accessory apartment allowed under this provision would be in addition to the currently allowed maximum of three dwelling units per parcel, if fully developed the parcel would contain four dwelling units.**
3. Guidelines
 - a. Owner Occupancy. The owner of the property on which an Accessory Apartment is located shall maintain their primary domicile in either the principal residence or the Accessory Apartment on the subject property.
 - b. Building Permit / Certificate of Occupancy. An Accessory Apartment will not be granted a building permit where a current building violation exists, unless the legalization or creation of the Accessory Apartment will cure the violation.
 - c. Setback Requirements. For any detached structure where a new Accessory Apartment is proposed must meet the required setbacks for the Zoning District, in which it is located, or be granted an area variance
 - d. Minimum Structure Size. No accessory apartment shall be located in a one-family dwelling unless the dwelling contains the minimum required habitable floor area of 1,600 square feet. This shall apply to new or existing one-family dwellings.

- e. Maximum floor area- Accessory Apartment shall contain a minimum of 350 sq. ft, of habitable space as defined by the Property Maintenance Code 2015 Of New York State, with a maximum of 900 sq. feet.
 - f. Number of Accessory Apartments. There shall be no more than one Accessory Apartment per lot permitted under this subsection. Additional Accessory Apartments on a lot which meets area/bulk requirements shall be considered a dwelling unit/single family dwelling and subject to the provisions of 200-24 (A).
 - g. Exterior Appearance. Alterations to the principal residence to accommodate an Accessory Apartment shall be designed to retain its exterior appearance as a single-family dwelling, as viewed from the street. No more than 100 square feet may be added to the exterior of the principal structure to accommodate an Accessory Apartment. In a detached structure, the exterior of the structure shall retain a residential look from the street. Any structure that is locally landmarked by the historic commission and town board, must get a certificate of appropriateness from the historic commission for any exterior changes. An additional road cut for a new driveway is prohibited.
 - h. Water and Sewer Service. of the provision of an adequate water supply and sewage disposal shall be provided as meeting the standards provided by the Ulster County Board of Health.
 - i. Off-street Parking. In no case shall there be less than three parking spaces provided on site.
 - j. All Accessory Apartments shall have an annual fire inspections.
4. Termination. If the homeowner vacates one of the dwelling units, unless a relative takes residence, that unit should be subject to rental as an Affordable Unit. In the event that the owner transfers title to the dwelling to a person other than a relative or domestic employee of the homeowner, the permit and the use of the accessory apartment as such shall be automatically terminated, unless renewed and the new owner will occupy the premises.
 5. Minimum Term of Rental. Accessory apartments shall be rented for a period of no less than 90 days in duration. Owners shall be required to provide proof of rental agreement including the duration of the period upon submission of the Operating Permit application to the Town of Marbletown. Fines for each violation shall be as follows: 1st time warning, second violation \$250.00 and \$500.00 for each subsequent violation.
 6. Accessory Apartments located with new Subdivisions shall not be incorporated into the developed scheme within new subdivisions or planned developments unless such development proposal includes an affordable housing component that meets the Ulster County Fair Market Rent guidelines or the project is sponsored by a Housing Authority, RUPCO or complies with the annual maximum income levels established by to qualify for affordable housing. Any Accessory Apartments developed within this Subdivision shall be affordable units and shall remain affordable for a minimum of 10 years.

SECTION IV. AMNESTY

Landowners for a period of 160 days from the date of Effectiveness of this local Law for all prior non-conforming and un-permitted Accessory Apartments may make application to the Town of Marbletown Building Department, without penalty, for the legalization of existing Accessory Apartments. All applications shall comply with the current law but applications will not be limited, restricted or included in the annual permit limitations.

SECTION V. ANNUAL PERMIT LIMITATION

Permits shall be issued on a first come first served basis but in no calendar year shall the Town of Marbletown issue more than Fifty (50) total permits for Accessory Apartments.

SECTION VI. SEVERABILITY

The invalidity of any provision of this Local Law shall not affect the validity of any portion of this Local Law which can be given effect without such invalid provision.

SECTION VII, EFFECTIVENESS

This Local Law shall become effective upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2022 of the (County)(City)(Town)(Village) of MARBLETOWN was duly passed by the TOWN BOARD on FEBRUARY 1 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

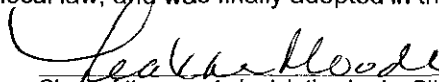
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 03/7/2022

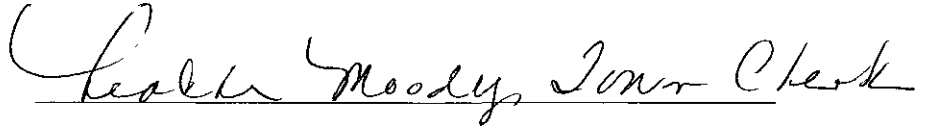
(Seal)

Effective Date of this Local Law

This Local Law shall be effective upon filing with the office of the Secretary of State, and the Town Clerk is directed to immediately file a copy of this Local Law with the New York State Secretary of State as required by law.

I hereby certify that the local law annexed hereto, designated as Local Law No. 2 of 2022 of the Town of Marbletown, was duly passed by the Town Board on February 1, 2022 in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in above.



(Seal)

Heather Moody, Town Clerk

Date: 2/7/2022

STATE OF NEW YORK

COUNTY OF ULSTER



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown operating under New York State Executive Order 202.1 was convened Via the phone and internet, New York on January 18, 2022, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Rich Parete, Daisy Foote, Tim Hunt, Don LaFera and Ken Davenport

ABSENT:

The following Resolution was offered by Councilman Davenport and seconded by Councilwoman Foote.

RESOLUTION #24-2022 TO ADOPT LOCAL LAW # 2-2022; 'ACCESSORY APARTMENT LAW'

WHEREAS, the Town Board of the Town of Marbletown held a public hearing on January 18, 2022 on Local Law Number 2 of 2022, known as the Accessory Apartment Law for the Town of Marbletown; and

WHEREAS, the adoption of this Local Law Number 2 is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board has prepared and considered an Environmental Assessment Form which evaluates the potential environmental impacts of the proposed amendment; and

WHEREAS, the Board has determined that the adoption of this Local Law will not have a significant negative impact upon the environment; now therefore be it

RESOLVED, that a negative declaration is hereby made pursuant to the State Environmental Quality Review Act (SEQRA); and be it further

RESOLVED, said Local Law is hereby adopted as attached

NOW, THEREFORE BE IT RESOLVED, that by the actions of the Town Board of the Town of Marbletown this Local Law shall take effect upon the filing with the Secretary of State pursuant to Municipal Home Rule Law.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Davenport	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #24-2022 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: February 1, 2022



TOWN OF MARBLETOWN

A regular meeting of the Town Board of the Town of Marbletown was convened in a public session of the Town Hall, 1925 Lucas Ave Cottekill, New York on December 21, 2021, at 6:00 o'clock P.M. local time. The meeting was called to order by Supervisor Rich Parete, and, upon roll being called, the following were:

PRESENT: Rich Parete, Daisy Foote and Eric Stewart, Tim Hunt and Don LaFera

ABSENT:

The following Resolution was offered by Councilman LaFera, seconded by Councilman Stewart:

RESOLUTION #108-2021; SETTING THE PUBLIC HEARING DATE FOR THE PROPOSED LOCAL LAW NUMBER ____ OF 2022, A LOCAL LAW KNOWN AS ACCESSORY APARTMENT LAW

WHEREAS, the Town Board finds it to be in the best interests of the residents of the Town of Marbletown to adopt **Local Law ____ of 2022, known as the Accessory Apartment Law**, in order to achieve the purposes and objectives set forth in the Local law.

NOW THEREFORE, BE IT RESOLVED as follows:

1. Schedule a Meeting of the Town Board, Town of Marbletown on January 18 2022, for the purpose of holding a Public Hearing.
2. A public hearing will be held by the Town Board on January 18, 2022, at 6:00 PM local time at the Rondout Municipal Center, 1915-1925 Lucas Avenue, Cottekill, NY, to hear all interested parties on the proposed Local Law # ____ of 2022 entitled "**A Local Law # ____, 2022 Accessory Apartment** "
3. The Town Clerk is directed to advertise such public hearing in the official newspaper of said Town, on the website of said Town and is directed to refer the proposed local law to all municipalities adjacent to the Town and any other applicable entities as required.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call which resulted as follows:

Councilman Stewart	Voting <u>Aye</u>
Councilman Lafera	Voting <u>Aye</u>
Councilman Foote	Voting <u>Aye</u>
Councilman Hunt	Voting <u>Aye</u>
Supervisor Parete	Voting <u>Aye</u>

Resolution #108-2021 was thereupon adopted.

Heather Moody, Town Clerk/Tax Collector

Dated: December 21, 2021