

A Local Law to amend certain sections of the Town Code of the Town of Philipstown, New York.

Be it enacted by the Town Board of the Town of Philipstown as Follows:

SECTION 1. TITLE

This local law shall be known as “A Law Amending the Town Code of the Town of Philipstown With Respect to Accessory Apartments.”

SECTION 2. AUTHORITY

This Local Law is enacted pursuant to the authority of Municipal Home Rule Law Section 10, the Town Law, and in accordance with the Zoning Law of the Town of Philipstown, New York, Section 175-91, entitled “Amendment Procedure.”

SECTION 3. PURPOSE AND FINDINGS

The Town Board of the Town of Philipstown wishes to encourage the use of accessory apartments in the Town. Accessory apartments are small units within an existing dwelling or accessory structure on a lot that is owner-occupied. They can also be located on a non-residential lot to house an on-site employee. The Philipstown Comprehensive Plan, adopted March 9, 2006 by the Philipstown Town Board, recommends that the Zoning Law be amended to allow and encourage accessory apartments (Recommendation R 1.4 in Chapter Three of the Philipstown Comprehensive Plan). The Town Board finds that accessory apartments provide an excellent way to create low-impact housing units because they are dispersed, do not necessarily involve new construction, and can be made relatively inconspicuous through design controls. They can also reduce traffic if the resident of the accessory apartment works on the same property. Accessory apartments provide affordability in two different ways, by offering a small rental unit (the accessory apartment) and by making the principal residence more affordable by providing income from the apartment to the owner. Allowing accessory apartments to be built in accessory structures such as garages and barns allows more flexibility for the landowner to provide these apartments without having to make significant alterations to existing houses, many of which are historic. To encourage accessory apartments, the Board finds that it is advisable to allow them by right on lots that meet zoning standards for lot area, design, appearance, parking, and sanitation, provided that the lot is owner-occupied and that it has direct access to a public road. A special use permit should be required for such apartments where they will be located in a non-conforming structure or on a non-conforming lot, or where the lot is served by a common driveway.

SECTION 5. VALIDITY

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudicated invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Town Board of the Town of Philipstown hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6. REPEAL

All ordinances, local laws and parts thereof that are inconsistent with this Local Law are hereby repealed.

SECTION 7. EFFECTIVE DATE

This Local Law shall take effect after adoption by the Town Board and upon filing in the office of the New York State Secretary of State.