

Local Law No. 1 of the year 2025

Village of East Nassau, County of Rensselaer

A local law amending the Village of East Nassau Land Use and Development Regulations

Be it enacted by the Village Board of the Village of East Nassau, in the County of Rensselaer, New York, as follows:

A local law entitled, “Accessory Dwelling Unit Law”:

Section 1. Legislative Intent

It is the intent of this local law to authorize and establish regulations for an accessory dwelling unit (also referred to as an “ADU”) either in, or attached to, a single-family dwelling or within an existing or new accessory structure on the same lot as a single-family dwelling. Currently, the Land Use and Development Regulations of the Village of East Nassau (hereinafter referred to as “Local Law No. 1 of 2019”) do not allow this accessory use. The Board of Trustees believes that this use may help those who are seeking to accommodate family members or wish to supplement income by renting an ADU. The Board of Trustees finds that this is a viable, low impact use that may provide more housing opportunities in the Village at an affordable price.

Section 2. Authority

This local law is adopted pursuant to sections 7-700 and 7-708 of the Village Law and the Municipal Home Rule Law.

Section 3. Amendments to Village of East Nassau Local Law No. 1 of 2019

- A. The following entry shall be added to the District Schedule of Use Regulations in Local Law No. 1 of 2019 at Article III - Use Regulations, Section 1, entitled “Schedule of Uses,” as a new use under the category of Residential Uses:

Accessory Dwelling Unit permitted (P) in all districts (Hamlet, Rural Residential, and Waterfront Residential).

- B. The following definition for the term, “Accessory Dwelling Unit (ADU)” shall be added to Article XII of Local Law No. 1 of 2019 as the first definition in that Article:

ACCESSORY DWELLING UNIT (ADU): A subordinate dwelling unit located either within, or attached to, a principal residential dwelling or within an existing or new detached accessory structure on the same lot as the principal dwelling, not exceeding in living space either forty percent (40%) of the living space of the principal single-family dwelling or 1,000 square feet, whichever is less, and providing independent

living facilities for one or two persons, including provisions for eating, sleeping, cooking and sanitation and having its own means of entry. An accessory dwelling unit is only allowed on a single-family residential lot. There shall be no more than one such accessory dwelling unit on a single-family residential lot. An accessory dwelling unit shall not be subject to any additional density requirements and shall meet the requirements of habitable space as defined by the New York State Uniform Fire Prevention and Building Code. There shall be adequate parking at the residence for two additional vehicles. An accessory dwelling unit shall meet all setback provisions of this Zoning Code as applied to a principal dwelling.

C. The following shall be added to Article V, entitled “Supplementary Regulations,” of Local Law No. 1 of 2019 as a new subsection or paragraph “D” in Section 2, entitled, “Accessory Uses and Structures”:

D. Accessory Dwelling Unit. An accessory dwelling unit is allowed as a permitted accessory use and structure pursuant to the following requirements:

1. One accessory dwelling unit in a new or existing accessory structure shall be permitted on a lot where there is only one single-family residence and must also conform to the following requirements:

a) The lot area must be no less than the minimum specified for the zoning district. Any accessory dwelling unit shall satisfy all setback requirements set forth for a principal structure within the zoning district. An area variance may be requested for those that do not meet the setbacks.

b) The accessory dwelling unit must be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s) and accessible by a separate entrance.

c) The accessory structure in which the accessory dwelling unit will be housed must be an approved permanent structure affixed to foundation, not in a tent, Yurt, camper, recreational vehicle, mobile home or other moveable structure. A tiny home or other small manufactured home may be acceptable if it is affixed to a permanent foundation.

d) The accessory dwelling unit shall not exceed 40% of the size of the principal single-family dwelling or 1000 square feet, whichever is less.

e) Off-street parking is required for both the accessory dwelling unit and principal residence and shall be able to accommodate a minimum of two spaces per dwelling unit on the lot. The parking area or areas shall be designed and located to be convenient without blocking driveway access and without encroaching on any required yard setback.

f) Rensselaer County Department of Health approved water supplies and sanitary systems shall be required prior to granting of any zoning permit for an accessory dwelling

unit. Such systems may be connected to existing or upgraded water supply and sanitary systems of the single-family dwelling or may be separate facilities. If a separate system is necessary, all other standards, setbacks and requirements of this Law and of the County Department of Health shall be met.

g) The design of any accessory structure in which the accessory dwelling unit is proposed shall conform to the general character and appearance of the principal dwelling and be consistent with the general character of the neighborhood.

h) Only one driveway for access to both the single-family dwelling and the accessory dwelling unit shall be permitted.

i) The design, size, and layout of the accessory dwelling unit shall be consistent with the continual accessory use to the principal single-family dwelling on the lot. Such accessory dwelling unit shall not be subdivided from any parcel containing a single-family dwelling for any use.

2. One accessory dwelling unit within, or attached to, a principal single-family residential dwelling shall be permitted on a lot where there is only one single-family residence and no other dwelling units on the lot. It must also conform to the following requirements:

a) The accessory dwelling unit shall be self-contained, with separate cooking, sleeping and sanitary facilities for use by the occupant(s) and accessible by a separate entrance.

b) The accessory dwelling unit within, or attached to, a single family dwelling shall not occupy more than 40% of the square footage of that single family dwelling.

c) The conversion of any existing single-family dwelling to accommodate an accessory dwelling unit is limited to one accessory dwelling unit per principal residence.

d) Off-street parking is required for both the accessory dwelling unit and principal residence and shall be able to accommodate a minimum of two spaces per dwelling unit on the lot. The parking area or areas shall be designed and located to be convenient without blocking driveway access and without encroaching on any required yard setback.

e) Rensselaer County Department of Health approved water supplies and sanitary systems shall be required prior to granting of any zoning permit for an accessory dwelling unit. The accessory dwelling unit shall be connected to the existing water supply and sanitary systems of the single-family dwelling.

f) The lot shall not be less than the prescribed lot area or lot width in the district where the lot is located.

g) When an existing single-family dwelling is altered to accommodate an accessory dwelling unit, the addition or other alteration shall not encroach on required setbacks for

the principal structure and all construction associated with adaptation of the existing structure shall be performed in a manner that shall be compatible with the principal structure on the premises.

3. Any accessory dwelling unit that does not meet all of the requirements for either location in an accessory structure or in the principal structure as set forth above, shall require site plan approval from the Zoning Board of Appeals before a permit can be issued. The Zoning Board of Appeals may condition such site plan approval on such additional requirements or measures that it deems appropriate. The following are guidelines for the ZBA review:

a) The location and use of the accessory dwelling unit shall not reduce the value, cause a nuisance or otherwise adversely affect neighboring properties.

b) The driveway for ingress and egress to the accessory dwelling unit should utilize the existing driveway utilized for the ingress and egress of the principal single-family dwelling to the maximum extent practicable. If another driveway is needed or the existing driveway must be expanded, its location and design should not adversely affect the existing driveway on the lot or driveways of neighboring lots in the area with respect to safety and layout.

c) Where the lot is an existing nonconforming lot of less than the prescribed lot area or lot width as required for the zoning district in which the lot is located, the lot shall be of sufficient size to accommodate the additional dwelling unit without adversely affecting neighboring properties.

Section 4. Upon the effective date of this law, the regulations and definition for Accessory Dwelling Units as established by this law for all zoning districts within the Village shall be in effect.

Section 5. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 6. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

END OF LAW