

# The 6th Annual Hudson Valley Affordable Housing Summit

## *Compacts and Crises* *Practical plans to address the Housing Shortage*

*May 11, 2023*  
*8:00 am– 12:15 pm*

On January 10 of this year Governor Hochul introduced her New York Housing Compact to address New York's statewide housing crisis. Even if the Compact does not move forward, intense housing shortage is a challenge that all of New York's communities must address, whether they want to or not. Referred to as "preferred actions," the Compact looks to a variety of zoning solutions that municipalities can consider to create housing, including rezoning for multifamily, rezoning of commercial areas to allow for residential, the removal of exclusionary zoning measures, as-of-right lot splits, and accessory dwelling units.

Using the Governor's Housing Compact as a starting point, the 6<sup>th</sup> Annual Hudson Valley Affordable Housing Summit, will take a deeper dive into practical strategies for addressing the housing crisis in our area using some of the referenced preferred actions, including adaptive reuse, the removal of exclusionary zoning measures, Transit Oriented Development (TOD), and Accessory Dwelling Units (ADUs). Emphasis will be on practical considerations, available resources, and implementable strategies.

## AGENDA

**8:00 – 8:45**      **Breakfast & Networking**

**8:45 – 9:00**      **Transition into Room**

**9:00 – 9:15**      **Welcome & Introduction**

Jason Labate, Esq., *Partner, Goldstein Hall PLLC*

Tiffany Zezula, Esq., *Staff Consultant, Housing Action Council and Deputy Director, Land Use Law Center*

**9:15 – 9:45**      **Session 1: Site Identification and Adaptive Reuse**

**(0.5 Professional Practice Credit)**

Many municipalities raise the lack of sites as an impediment to the development of affordable housing. This session will tease out creative sites being revitalized/adaptively reused and who develops them and ways in which municipalities can remove zoning barriers to the creation of housing.

Moderator: Jason Labate, Esq., *Partner, Goldstein Hall PLLC*

John Fry, AIA, LEED AP bd+c, *Principal, Nexus Creative Design*

Patrick Love, *Vice President and Chief of Staff, Multifamily Finance and Development Group, New York State Homes and Community Renewal*

Brian Pugh, Esq., *Mayor, Croton-on-Hudson*

Jaclyn Tyler, AIA, LEED AP bd+c, NCARB, *Principal, Nexus Creative Design*

**9:50 – 10:50**

**Session 2: Unlocking Housing Access: Transit Oriented Development to Creating Housing**

**(1 Professional Practice Credit)**

The statewide production goal announced by the Governor, also includes a focus on transit-oriented development. Panelists will discuss how Transit Oriented Development could look in various zones of New York State and share real-life recent developments and ways in which the municipality provided support in these initiatives.

Moderator: Tiffany Zezula, Esq., *Staff Consultant, Housing Action Council and Deputy Director, Land Use Law Center*

Karen D'Attore, *Village Manager, Village of Ossining*

Raju Mann, *Associate Principal, ARUP*

Kate VanTassel, *Director of Special Projects, New York State Homes & Community Renewal*

James R. Wendling, *Chief Operating Officer, WBP Development LLC*

**11:00 – 12:00**

**Session 3: Accessory Dwelling Units to Create Housing**

**(1 Professional Practice Credit)**

Panelists will explore practical strategies for addressing the housing crisis in our area, through the production of Accessory Dwelling Units (ADUs). Panelists will walk participants through the homeowners experience in creating an ADU from land use approval process, financing, and design and property assessment. Panelists will emphasize practical considerations, available resources, and implementable strategies. Discussion will also be had on the Governor's proposal – a bill to create a new opt-in property tax exemption on the increase in assessed value of one- and two-family homes as a result of creating an ADU and on new funding available for ADUs.

Moderator: Jessica Bacher, Esq., *Staff Consultant, Housing Action Council and Executive Director, Land Use Law Center*

Christina Griffin, *AIA LEED AP CPHC, Principal, CGA Studio Architects*

Edye McCarthy, *Assessor, Town of Greenburgh*

Michael Patino, *Owner, Michael Patino Architecture and Village Trustee, Village of Dobbs Ferry*

Rachel Wieder, *Chief of Staff for Homeownership and Community Development, New York State Homes and Community Renewal*

**12:00 – 12:15**

**Networking**

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## The 6th Annual Hudson Valley Affordable Housing Summit

*Compacts and Crises  
Practical plans to address the Housing Shortage*

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## The 6th Annual Hudson Valley Affordable Housing Virtual Summit

### *Compacts and Crises* *Practical plans to address the Housing Shortage*

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#### **SPEAKER BIOS**

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##### **Jessica A. Bacher**

*Land Use Law Center, Elisabeth Haub School of Law at Pace University*  
*Housing Action Council*



Jessica Bacher is the Executive Director of the Land Use Law Center. Established in 1993, the Land Use Law Center is dedicated to fostering the development of sustainable communities and regions through the promotion of innovative land use strategies and dispute resolution techniques. As the Executive Director, Ms. Bacher's responsibilities include development and implementation of projects relating to local land use practice, distressed property remediation, transit-oriented development, sustainable communities, land use responses to sea level rise, and code enforcement, as well as providing strategic assistance to numerous municipalities. Most recently, she led the City of Newburgh, New York, in the development of a distressed property remediation implementation plan that focuses on the creation of a land bank. Additionally, Ms. Bacher serves as a trainer for the Center's award-winning Land Use Leadership Alliance Training Program that has educated over 2,500 local leaders in land use strategies, consensus building, and regional stewardship. Ms. Bacher also is vice-chair of the Land Use Planning & Zoning Committee for the American Bar Association's Section of State and Local Government Law and chairs its Distressed Properties Sub-Committee. At Pace Law School, Ms. Bacher serves as adjunct professor, teaching Land Use Law, Sustainable Development Survey, and the Advanced Land Use and Sustainable Development Seminar. She also administers the Center's academic programs and guides student research. In addition, she is a Clinic Lecturer at Yale School of Forestry and Environmental Studies, where she manages the School's Land Use Clinic. Ms. Bacher authors regular land use features in New York and national publications and has edited numerous small books in the fields of Land Use and Real Estate Law, including *Breaking Ground* and *Planning and Building in Priority Growth Districts*. She also presents at regional and national conferences and served on the New York State Sea Level Rise Task Force Legal Work Group. Ms. Bacher was selected by the American Bar Association to receive the Jefferson B. Fordham Award, an award presented to a young practitioner who has shown great promise through her contributions to the field. Ms. Bacher received her J.D. *summa cum laude* from Pace Law School in 2003, along with a certificate in Environmental Law.

## **Karen D'Attore**

*Village of Ossining*



Karen D'Attore is Manager of the Village of Ossining. Upon joining the Village in 2019, Karen was charged with overseeing the completion and adoption of the Village of Ossining's 2021 Comprehensive Plan Update, "Ossining Tomorrow". This award-winning plan, which included innovative form-based code overlay zones for its Downtown and Croton Avenue Business Districts, helped pave the way for a number of strategically aligned and integrated projects designed to address housing and recreational needs, economic development opportunities, environmental sustainability, placemaking and infrastructure improvement. Under Karen's oversight, Ossining has secured nearly \$30 million in grant funding, including the \$10 million New York State Downtown Revitalization Initiative (DRI). These funds will be used to support a wide range of initiatives, including the complete renovation of Ossining's Joseph G. Caputo Community Center and Pool, and the redevelopment of Ossining's Downtown Business District, which will include structured parking, an expanded and enhanced outdoor Market Square Plaza, and a mixed use development on what is now a Village-owned surface parking lot. Design work for a 'Road Diet' on NYS Route 9, designed to calm traffic while improving safety, walkability and economic development, is underway with the support of \$4 million Federal grant. Wilder Balter Partners is preparing to break ground on a project which will transform a Village-owned organic waste yard to a 109 unit, all-affordable, mixed-use, transit-oriented property with a public park extending and completing Ossining's scenic Sing Sing Kill Greenway Trail. To ensure clean drinking water for decades to come, the Village will be going out to bid on a new water treatment plant later this year. Prior to serving the Village of Ossining as Village Manager, Karen was the Director of IFCA Housing Network, a Neighborhood Preservation Company that renovates, owns and operates affordable rental units in Ossining and Tarrytown. Karen started her career in advertising and marketing and has held positions as head of U.S. Public Private Partnerships for the United Nations World Food Program and UN Women.

## **John Fry**

*Nexus Creative Design*



John Fry's architectural career spans four decades beginning in New Orleans including architectural firm experience from Florida to Manhattan. Currently a Principal at Nexus Creative Design in Tarrytown NY, John has lived and worked in Westchester County NY since 1988.

John's design work captures a wide bandwidth of project typologies. His experience includes mixed use community and corporate master plans, institutional projects, transitioning faith-based property development, affordable housing, luxury housing, prototype building designs and integrated design methodologies to bridge building design with branding and marketing initiatives. Currently much of Nexus Creative's work merges community planning initiatives integrating a range of affordable housing needs, market focuses and sustainable built environment strategies.

Dedicated to the growth of the profession, John's AIA volunteer service began in the early 1990's leading to a director seat in 1998 continuing as co-chair of the chapter's Design Awards program until 2008. John's service AIA WHV continued again in 2011 becoming Chapter President in 2014, AIA NYS Director in 2015, and AIA NYS VP of Knowledge in 2019.

Design Awards Jury contributions include AIA NYS, AIA Long Island, AIA Rhode Island, AIA Ft Lauderdale, AIA Westchester/Hudson Valley, Westchester Municipal Planning Federation and numerous national building material manufacturer awards program panels. John has consulted AIA CT and AIA PA with awards program structure and organizing jury dynamics.

John's community and allied professional service includes 26 years on the Village of Ossining Planning Board and Architectural Review Board, serving on American Planning Associations 'Plan for Health' task force, a frequent contributor at Pace Land Use Law Center's municipal training sessions, serving on NY State Council of Churches 'Who's My Neighbor' task force and is currently on the Westchester Municipal Planning Federation Board of Directors.

## **Christina Griffin**

*CGA Studio Architects*



Christina Griffin is principal of CGA Studio, an award-winning architectural firm known for designing environmentally conscious buildings in the Hudson Valley area for the past 35 years. She studied at Syracuse University and the Architectural Association of London, and has been a registered architect with the State of New York since 1985. She is a member of the AIA Westchester/Hudson Valley, Passive House Institute US, and Passive House Alliance Hudson Valley.

Christina became a LEED AP accredited professional in 2009, and designed the first Platinum LEED for Homes project in Westchester County in 2010. Christina obtained certification as a Passive House Consultant from PHIUS (Passive House Institute of United States) in 2012, and from (PHI) Passive House Institute in Darmstadt, Germany in 2015. In 2014, Christina co-founded the Center for Sustainable Development, a not-for-profit think tank to develop strategies for raising the level of sustainability in the built environment.

CGA Studio has designed multi-family buildings, townhouses, and mixed-use buildings, primarily located in the downtown areas of the Rivertowns. The firm has received design awards from AIA Westchester Hudson Valley for her most innovative sustainable projects, such as "Pocket Change Community" a model carbon neutral living collective in 2016, the "Broadway Flats", a 10-unit modern multi-family building near the downtown of Dobbs Ferry in 2017, and retrofit of an 1815 historic farmhouse to meet the Passive House standard in 2019. She recently completed the "Forever House" in Hastings-on-Hudson, an aging-in place certified DOE Zero Energy and Passive House, which received a design award at the PHUS Conference in Chicago, October 2022.

### **Professional Affiliations:**

- American Institute of Architects
- Passive House Institute United States
- Passive House Alliance Hudson Valley
- Center for Sustainable Development, Co-Founder and President
- Green Building Professional Consortium, Co-Founder
- Affordable Housing Committee, Village of Hastings-on-Hudson

## Jason Labate

*Goldstein Hall PLLC*



Jason's practice areas include real estate and community development, nonprofit formation and governance and real estate and project finance. He also provides legal expertise for the Joint Ownership Entity (JOE NYC), a "first-of-its-kind" nonprofit collaboration of New York City affordable housing community development corporations for which Jason and the Goldstein Hall team were awarded the prestigious [NYU Grunin Prize for Law and Social Entrepreneurship](#). Jason also [co-authored an article on JOE NYC](#), which was published in The Journal of Affordable Housing and Community Development Law. Recently, Jason closed on JOE NYC's multi-building solar project, which is expected to create approximately 700,000 kW/h of clean energy per year and lower operating costs.

Jason has been integral in developing the Firm's Faith-Based Practice Group, which works with faith-based organizations to protect assets, evaluate options, and maximize real property. He is a frequent panelist and guest speaker on faith-based and nonprofit issues, presenting at, among other venues, the [Manhattan Borough President's Religious Facilities Task Force](#) and leading the Firm's collaboration with the New York State Council of Churches' (NYSCC) [Who is My Neighbor seminars](#). Jason was also one of three recipients of this year's NYSCC's Community Development Award and serves as co-chair of [Bricks and Mortals](#), an association, and soon to be incorporated nonprofit, that fosters education and collaboration among faith-based organizations, community stakeholders and real property experts. He led the Firm's participation in the [LISC NYLOP](#) predevelopment grant program for Mission Driven Organizations and is working with the [Interfaith Affordable Housing Collaborative](#) to help establish its structure and predevelopment grant process and resources.

Jason oversees the New Rochelle office and led the Firm's partnership with the Pace Land Use Law Center in offering the [Hudson Valley Affordable Housing Summit](#), which has run since 2016. Jason has established relationships with new clients in the Hudson Valley and helped existing clients expand their work into Westchester County.

Prior to becoming an attorney, Jason spent 10 years serving nonprofits and public agencies in a non-legal capacity. He was a New York City Urban Fellow from 2004-05. He has a bachelor's degree with honors in Public Policy from the University of Chicago, a Master of Public Administration from NYU's Wagner School, and was a Sparer Public Interest Fellow at Brooklyn Law School, where he graduated cum laude.

As a partner, Jason will focus on the Firm's nonprofit and faith-based matters, including the JOE NYC and the Faith-Based Practice Group. He will also lead the Firm's real estate and project financing work. Jason will also continue to expand Goldstein Hall's work throughout the Hudson Valley.

## **Patrick Love**

*New York State Homes and Community Renewal*



Patrick currently serves as a Vice President and Chief of Staff of the Multifamily Finance and Development Group at New York State Homes and Community Renewal.

Prior to joining HCR, he worked at the New York City Housing Authority, leading over \$750 million in transaction volume in new construction, rehabilitation, and air rights deals.

Patrick has also served as a Policy Advisor at the New York City Mayor's Office of Sustainability, where he developed policies and programs to decarbonize the city's building stock.

He received a bachelor's degree in economics and environmental studies from the University of Richmond and a master's degree in public policy from the Harvard Kennedy School.

## **Raju Mann**

*ARUP*



Raju Mann is an Associate Principal and City Planning Leader based in Arup's New York office. He has over 15 years of experience working with communities, elected officials, public agencies, and developers to plan for the construction of millions of square feet of residential and commercial space while upgrading and investing in critical infrastructure.

Joining Arup in 2022, Raju combines his advanced policy, regulatory, design, and political experience to lead policy creation and project management for large scale planning efforts. Prior to joining the firm, Raju served for eight years as the Director of Land Use and Planning for the New York City Council. In that role, he worked on a wide variety of planning initiatives, including helping to craft citywide housing policy, developing a plan for the closure of the jails on Rikers Island, creating redevelopment strategies for the city's commercial cores, updating policy to help prepare for climate change, and drafting new regulations to upgrade the city's transit system.

## **Edye McCarthy**

*Town of Greenburgh*



Edye McCarthy is the Assessor for the Town of Greenburgh, Westchester County, New York. The Town is comprised of 6 Villages, 10 school districts, and 9 Fire Districts. She is responsible for approximately 30,000 parcels

She has been the Assessor in the Town for over 16 years, and prior to that, she was the Assessor in the City of White Plains, and the City of Rye, to total 34 years in public service.

She is past president of the New York State Assessor's State Association, along with past president of her County Association in Westchester. She has a Master's Degree in

Real Estate from New York University, and currently teaches appraisal and assessment courses around the state of New York for other Appraisers and Assessors. Edye also just recently obtained her virtual and in person certification to teach for IAAO.



## **Michael Patino**

*Michael Patino Architecture  
Village of Dobbs Ferry*



Michael Patino is a New York native who received a Bachelor of Arts from Bard College and a Master of Architecture from The City College of New York. He is a practicing architect in New York, a village trustee in Dobbs Ferry, NY and a consultant on inaccessible historic building façades. Michael is a motorcycle enthusiast and rock climber who is teaching his daughter to enjoy his passions.

## **Brian Pugh**

*Village of Croton-on-Hudson*



Brian Pugh is a native of the Village of Croton-on-Hudson who was elected Mayor in 2017. Brian was first elected as a Trustee in 2014. He holds a Juris Doctor from the Fordham University School of Law where he was named Advocate of the Year by the Unemployment Action Center and awarded the Addison M. Metcalf Labor Law Prize in 2015. He has a Bachelor of Arts in Economics & History from Oberlin College.

## **Jaclyn Tyler**

*Nexus Creative Design*



Jaclyn honed her Architectural expertise working for three firms across the Hudson Valley since 1998. In 2019 She formed Nexus Creative with her partners John Fry and Anastasia Guadron. Nexus Creative strives to provide sustainable, affordable design solutions that will leave a positive lasting impact for future generations.

During Jaclyn's tenure, she gained an extensive knowledge and experience in multiple project types including but are not limited to the following: Churches, Retail, Corporate Aviation Facility, Multifamily and High-end residential. Jaclyn's expertise has led to opportunities teaching continuing education classes and developing summer Architecture programs at Purchase College, SUNY.

Jaclyn's commitment to implementing green building practices in all projects as practical and feasible for owners, led her to attain LEED certification. In addition, Jaclyn strives to works around today's environmental impacts in order to provide resilient architecture.

Jaclyn's tireless commitment to the Architectural field has gained her respect amongst her peers across the Hudson Valley. Her drive for excellence is seen not only in her designs but transfers seamlessly to her clients and professional affiliations. Jaclyn's attention to detail as applied to State and Local Codes has gained acknowledgment from both clients and Municipal Offices.

## **James R. Wendling**

*WBP Development LLC*



James Wendling sources new multi-family deals, oversees ground-up developments from inception to completion, including the planning stage, governmental approval, construction, marketing, and financing, and helps shape the growth of WBP. Jim holds a Bachelor's Degree in History as well as a Markets and Management Certificate from Duke University, where he attended on a baseball scholarship. He also has been certified by the U.S. Green Building Council (USGBC) as a Leadership in Energy and Environmental Design Accredited Professional (LEED AP).

## **Rachel Wieder**

*New York State Homes and Community Renewal*



Rachel has fifteen years of experience in the affordable housing and community development sector. She currently serves as Chief of Staff for Homeownership and Community Development at New York State Homes and Community Renewal, where she provides direction and support to the Office of Community Renewal, State of New York Mortgage Agency, Affordable Housing Corporation, Office of Faith-Based Initiatives, and the Office of Resilient Homes and Communities.

Notable achievements in this role include having served as a State facilitator on the Energy Efficiency in Buildings Advisory Panel of the New York State Climate Action Council, developing policy recommendations for energy efficiency and electrification of New York's building stock, and since the coronavirus pandemic, management of the NYS Homeowner Assistance Fund, providing mortgage foreclosure prevention and housing debt relief to over ten thousand households.

Previous employment includes Director of Buyouts for the New York State Governor's Office of Storm Recovery, where Rachel oversaw the acquisition and demolition of over one thousand storm-damaged homes to provide relief to impacted homeowners and to return flooded lands to nature.

She received a bachelor's degree in environmental studies from San Francisco State University and a master's degree in urban planning from NYU Wagner School of Public Service. She currently lives in Brooklyn with her husband and two daughters.

## **Tiffany Zezula**

*Land Use Law Center, Elisabeth Haub School of Law at Pace University*

*Housing Action Council*



Tiffany B. Zezula, Esq. is the Deputy Director for the Land Use Law Center at Pace University School of Law in White Plains, NY and Staff Attorney to the Housing Action Council. She is the primary trainer and national coordinator for the Center's award-winning Land Use Leadership Alliance Training program for local officials, environmentalists, planners, and developers. The Training Program has been modeled and transferred to over 6 states and has been tailored to tactical numerous land use issues, including fair and affordable housing. The program has trained over 3000 leaders in the Hudson Valley Region alone, including over 350 leaders in the Hudson

Valley on the specific topic of fair and affordable housing.

Ms. Zezula also provides strategic assistance to local governments on comprehensive planning, revitalization strategies, land use, and the formation of affordable housing committees. Her work includes developing public engagement strategies and conducting feasibility analyses on town center developments. She conducts assessments and audits for municipalities in sustainable development, resiliency, State certification programs, and streamlining development processes. Ms. Zezula also provides strategic assistance to local governments, including assistance in developing comprehensive planning. Finally, she has worked in select communities in the creation of affordable housing committees advocating for affordable housing policy reform and education of citizens to the topic. Ms. Zezula also worked closely with the New York Council of Churches and the Attorney General's Office supported Mission-Based Housing Partnership to assist religious leaders with the repurposing and revitalization of church and mission-based property into affordable housing.

Ms. Zezula works closely with a variety of planning firms in the region in the development of public engagement outreach and facilitation. This included conversations with a variety of stakeholders and municipal staff officials, including efforts to obtain input from senior citizens, high school students, business leaders, cultural organizations, financial institutions, anchor institutions, and developers. The engagement efforts involved multiple and creative engagement techniques, including neighborhood block parties, neighborhood tours, pop-up Popsicle events at local municipal pools, high school classroom participation, and roundtable discussions with stakeholders. All efforts culminate in a final report delivered to the administration regarding the citizen's vision for future revitalization and cultural and economic services.

Finally, Ms. Zezula oversees running the Center's annual conference. The Center's annual conference is a significant educational event in the region, with more than 250 attorneys, business professionals, planners and local leaders in attendance to learn about national, regional, and local innovations, challenges, and best practices. Ms. Zezula also coordinates a yearly affordable housing summit bringing industry leaders, municipal officials, syndicates, and lawyers together to discuss trends and solutions to affordable housing.

Ms. Zezula is a frequent national speaker on collaborative governance and local decision-making. She is also a frequent guest presenter at the Yale School of Forestry and an adjunct professor at Pace University School of Law on Environmental Dispute Resolution and Sustainable Development Law. She received her J.D. cum laude from Pace Law School in 2003 along with a certificate in Environmental Law. She is a certified mediator in the State of New York. Ms. Zezula also serves as a Board Member to the United Way of Westchester and Putnam County.

# **SESSION 1:**

## **Site Identification and Adaptive Reuse**

**MODERATOR: Jason Labate, Esq.,** *Partner, Goldstein Hall PLLC*  
**John Fry, AIA, LEED AP bd+c,** *Principal, Nexus Creative Design*  
**Patrick Love,** *Vice President and Chief of Staff, Multifamily Finance and Development Group, New York State Homes and Community Renewal*  
**Jaelyn Tyler, AIA, LEED AP bd+c, NCARB,** *Principal, Nexus Creative Design*  
**Brian Pugh, Esq.,** *Mayor, Croton-on-Hudson*

**Elisabeth Haub Law School of Law  
Pace University  
Land Use Law Center  
Supervisor: John R. Nolon, Distinguished Professor  
Blog No. 24 of the Land Use, Human Health, and Equity Project  
Editor: Brooke Mercaldi  
Contributing Author: Colt Watkiss [\*]**

*Old Tools to Fight Housing Insecurity: Adaptive Reuse and Infill Development*

“[Adaptive reuse is the act of finding a new use for a building.](#)” “[Reuse](#) strengthens a community feel by positively linking a city’s past to its future and offering cheap and robust infrastructure to emerging needs, which can spark wholesome renewal processes.” [Adaptive reuse](#) can help “[r]emove blighted properties and the accompanying crime from communities, [p]reserve natural resources and the environment, [p]ursue historic preservation, and [p]rotect important intangibles like the community’s sense of place.” Similarly, [infill development](#) is the process of developing on vacant or underused land in areas that are largely developed. These are effective solutions considering “[\[r\]esearch link\[ing\] foreclosed, vacant, and abandoned properties with reduced property values, increased crime, increased risk to public health and welfare, and increased costs for municipal governments.](#)”

While older buildings, underutilized structures, and vacant lots can be detrimental, they can also [provide opportunity](#) for [creative re-imagining of spaces](#). Adaptive reuse can be a tool to [promote affordable housing](#). The potential for reuse to fight housing insecurity was explored as a necessary public health resource during the COVID-19 crisis. California, [Oregon](#), [Vermont](#), and [Hennepin County](#) – which includes Minneapolis – all took steps to [house homeless individuals in rehabilitated hotels, motels, and other structures](#) that could quickly be converted into non-congregate housing and eventually permanent housing. California had great success with these conversions, starting with [Project Roomkey](#) which allowed the use of federal funds to acquire hotel rooms to provide non-congregate shelter for homeless people to prevent the spread of COVID-19. The success of Roomkey prompted the creation of [Homekey](#), which followed a similar template but was broadened towards creating permanent housing. Homekey allocated \$846 million, combining federal and state funds, to allow for the purchase and conversion of hotels and other structures into supportive and affordable housing. Between July and December of 2020, California was able to “[create more than 6,000 housing units in 94 separate properties, 5,000 of which are destined to become permanent housing units.](#)” In addition to the speed, the average cost of Homekey conversions was [\\$129,254 per unit](#), compared to “the typical cost per unit to develop new housing in California rang[ing] from roughly \$380,000-\$570,000.” One of the keys to Homekey’s success was a provision in the statute which allowed Homekey projects *as-of-right* in whatever zone the purchased property sat in without further review.

Municipalities should consider [amending their zoning ordinances](#) to allow for more adaptive reuse in their towns and communities. A strong adaptive reuse ordinance (ARO) was enacted in [Santa Ana, California](#). The ordinance allows for the adaptive reuse of nonresidential buildings to residential units in 4 designated “project incentive areas” if the building either “was constructed in accordance with building and zoning codes in effect prior to July 1, 1974” or “has been

determined to be a historically significant building.” One noteworthy development resulting from the ordinance is the *Santa Ana Arts Collective*, a former bank which has been converted into affordable artist housing containing “58 studios and one-, two-, and three-bedroom apartments in the existing building.” [St. Petersburg, Florida](#) adopted a similar ARO. [Los Angeles](#) is considered one of the preeminent adaptive reuse examples, especially downtown Los Angeles where over [14,000 residential units](#) have been created by converting historic and underutilized buildings. Recent [motions](#) have been proposed in Los Angeles to expand the scope of adaptive reuse and promote housing affordability.

[Tacoma, Washington](#) launched the [Residential Infill Pilot Program 2.0](#) to address housing through infill development. The program allows Planned Infill housing in single-family zoning districts, two-family or townhouse development, small-scale multifamily development, and cottage housing across five council districts. Bellingham, Washington adopted [Chapter 20.28](#), “intend[ing] to implement comprehensive plan goals and policies encouraging infill development, more efficient use of the remaining developable land, protection of environmentally sensitive areas, and creating opportunities for more affordable housing” and providing special development regulations for housing forms that are not single-family dwellings.

Adaptive reuse is often considerably environmentally sustainable. It can help [foster community density, fight sprawl, and some older buildings are built with seasoned materials that are often better quality and not even available today](#). [One report](#) found that “[b]uilding reuse almost always yields fewer environmental impacts than new construction when comparing buildings of similar size and functionality,” and “that it takes 10 to 80 years for a new building that is 30 percent more efficient than an average-performing existing building to overcome, through efficient operations, the negative climate change impacts related to the construction process.” [Infill](#) can also benefit the environment by “helping to protect lands...and reducing greenhouse gas emissions.”

*For additional resources, the Gaining Ground Information Database is free and features best practice models used by governments to control the use of land in the public interest. Please direct your search toward the Healthy Communities topic.*

[\*] *Colt Watkiss is a second-year student at the Elisabeth Haub School of Law and Student Associate at the Land Use Law Center.*

*Brooke Mercaldi is a second-year student at the Elisabeth Haub School of Law and Research Assistant to Professor Nolon*

# **SESSION 2:**

# **Unlocking Housing Access: Transit Oriented Development to Creating Housing**

**MODERATOR: Tiffany Zezula, Esq.**, *Staff Consultant, Housing Action Council  
and Deputy Director, Land Use Law Center*

**Karen D'Attore**, *Village Manager, Village of Ossining*

**Raju Mann**, *Associate Principal, ARUP*

**Kate VanTassel**, *Director of Special Projects, New York State Homes &  
Community Renewal*

**James R. Wendling**, *Chief Operating Officer, WBP Development LLC*

# Unlocking Housing Access:

## Transit Oriented Development and the New York Housing Compact

thenyh.org | @thenyh

[https://thenyh.org/wp-content/uploads/2023/03/2023\\_Housing-Compact-Final.pdf](https://thenyh.org/wp-content/uploads/2023/03/2023_Housing-Compact-Final.pdf)



# HOUSING OSSINING TECHNICAL PAPER #4

## Policy Framework



**Submitted to the Village of Ossining**

**August 30<sup>th</sup>, 2017**



**Kevin Dwarka LLC**  
Land Use & Economic Consulting

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## INTRODUCTION

In February 2017, the Village of Ossining commenced *Housing Ossining*, a six-month multidisciplinary study focused on the identification of housing policies that would best meet the diverse housing needs of present and future residents. Kevin Dwarka LLC, a New York City based land use and economic consulting firm, was engaged to analyze the village’s housing needs, review best practices and formulate a broad set of housing policy strategies. Formulated with the help of extensive community input, the study culminated with the completion of four technical papers:

- Technical Paper #1: Quantitative Analysis
- Technical Paper #2: Regulatory Assessment
- Technical Paper #3: Community Engagement Record
- Technical Paper #4: Policy Framework

This document represents the fourth technical paper, a presentation of eight housing policy strategies that have been carefully vetted by village residents; both elected and appointed Village officials; landlords; community groups; and a cross-section of housing policy practitioners. The paper opens with a digest of key housing needs as identified through extensive quantitative analysis, regulatory assessment, and community engagement. The remainder of the paper focuses on the presentation, evaluation, and prioritization of the eight strategies as summarized in the table below.<sup>1</sup>

Proposed Housing Policy Strategy	Purpose of Strategy
<b>1 Increase Village Leadership in Economic Development</b>	Appoint an experienced professional economic development specialist to design and implement an inclusive economic development strategy that increases the commercial tax base, attracts new businesses, increases employment opportunities for lower income residents, maximizes development opportunities and complements the Village’s housing policy framework.
<b>2 Adopt a Proactive Approach to Building Code Enforcement</b>	Fully engage tenants, landlords, community groups, and citizens in a collaborative effort to increase awareness of building code regulations and ensure their compliance.
<b>3 Modify Village Development Incentive Program</b>	Ensure that tax incentives for new development result in housing units that meet community needs for mixed income housing and inclusive economic development.
<b>4 Expand the Village’s Network of Local Housing Developers</b>	Expand the network of housing developers within the Village of Ossining in order to ensure a more diverse group of builders, enhance access to innovative funding sources, and align new development with housing and economic development goals.
<b>5 Revise Village Affordable Housing Policy</b>	Provide a deeper and broader level of affordability requirements for new housing development to ensure access to affordable housing by lower income households and that supports mixed income housing.
<b>6 Eliminate Regulatory Barriers to Housing Development</b>	Update the Village’s Comprehensive Plan and Zoning Regulations to enable the construction of multi-family housing in places where there already is a prevailing pattern of multi-family housing.

<sup>1</sup> The consulting team initially prepared twelve draft policy strategies and presented them to the public at large as well as at a meeting of the Village of Ossining Board of Trustees. Common elements of these strategies were combined into eight revised strategies. None of the ideas expressed in the original twelve strategies were deemed to be fatally flawed or eliminated from consideration. All ideas were retained, evaluated, and integrated based upon their implementation linkages.

<p><b>7 Improve Transit Access and Reduce Automobile Dependency</b></p>	<p>Limit the effects of automobile dependency on neighborhood conditions while increasing transit access and encouraging more affordable transit oriented development</p>
<p><b>8 Apply State Rent Stabilization Law to Eligible Multi-Family Buildings</b></p>	<p>Protect renters from dramatic rent increases, poor building conditions, and displacement by regulating eligible buildings under the Emergency Tenant Protection Act.</p>

## SECTION 1: HOUSING ISSUES

The housing needs discussed below represent some of the most pressing housing issues in the Village of Ossining based on quantitative analysis, regulatory assessment, and a broad public engagement. Housing issues have been grouped together into five overarching themes: Substandard Living Conditions, Rising Housing Costs, Limited Economic Development Activity, Barriers to Developing New Affordable Housing, and Community Displacement. Note that the presentation of these themes below has been purposefully done in a synoptic fashion without statistical or statutory references. See *Housing Ossining Technical Working Papers 1, 2, and 3* for a more specific accounting of these housing issues including data trends, regulatory interpretation, and direct community observations.

### Substandard Living Conditions

There are many indications that Ossining buildings are not consistently maintained in conformity with local and state building regulations. The Village has made recent efforts to adopt a more proactive approach to code enforcement. Nevertheless, regulatory compliance is still impeded by limited human resources within the Village Building Department, the protracted judicial process, and an underlying lack of awareness by both landlords and tenants of the building code requirements. While there are reports that substandard living conditions may be found in at least some of the larger multi-family apartment buildings, anecdotal evidence suggests that building code violations, safety concerns, and overcrowding occur more often in smaller buildings such as two-family homes or small apartment buildings. While poorly maintained buildings most adversely harm the welfare of tenants residing within them, they also impose externalities upon the broader community including fire hazards, visual blight, excess garbage, and on-street parking shortages. Another broad concern is that the overcrowding of smaller buildings is resulting in a higher number of school children, thereby taxing the administrative and infrastructural capacity of Ossining School District.

### Rising Housing Costs

Market trends and resident input broadly suggests that housing costs for both owners and residents is becoming increasingly burdensome. A hot real estate market in New York City as well as Westchester has led to rising home costs, making it harder for new residents or young people to purchase single family homes. Although the prices of owner-occupied units in Ossining are lower than those in Westchester, rising property taxes have made it more difficult for seniors to age in place. Meanwhile, renters in Ossining are even more cost-burdened than homeowners. Lower income residents especially face significant challenges meeting the rising cost of rent in tandem with other living expenses such as transportation, childcare, and healthcare.

### Limited Economic Development Activity

Ossining is blessed with a racially and economically diverse community. However, like many communities in the Hudson Valley, the combination of global economic restructuring and the decline of the manufacturing sector has hampered the growth of new employment generators within the village. Consequently, Ossining's tax revenues are disproportionately comprised of residential property tax revenue. Meanwhile, service sector jobs offer only limited opportunities for economic mobility and social benefits. The effect of the village's limited economic development has meant that lower economic residents have few opportunities to find better paying jobs within the Village and therefore continue to struggle to meet rising housing costs. Meanwhile, homeowners are confronting rising residential property taxes without sufficient relief from commercial tax revenue.

### Barriers to Developing Housing

Although Ossining already has a supply of affordable housing, the village does not have enough affordable housing need to meet the needs of its current residents. New multifamily housing has been constructed in recent years. However, much of the new housing has not been priced at a level that is affordable to most current residents. Part of the challenge in building new affordable housing is the relatively small number of affordable housing developers with local knowledge and interest in Ossining. Meanwhile, housing prices are sometimes inflated by rent rolls that reflect overcrowded living conditions. These high housing prices in turn make it difficult for local developers to acquire distressed buildings, rehabilitate them, and make them available at affordable price points. Finally, the village's comprehensive plan and zoning regulations do not enable multi-family housing to be constructed as of right even in places where multi-family housing is the prevailing land use pattern.

### Community Displacement

For many Ossining residents, rents are rising faster than their incomes. As noted above, new housing supply is not priced at levels affordable to most residents. Increased residential taxes are imposing burdens on residents with fixed incomes. Meanwhile, tenants in some of the village's smaller multifamily buildings may not have the assurance of a long-term lease or even a month to month lease. These various conditions may lead to the displacement of existing residents and their move to places with a greater supply of affordable housing options. Village residents value the economic and racial diversity of their community, so the preservation and generation of diverse housing types at a range of price points is broadly supported value. At the same time, however, many residents question the degree to which Ossining can reasonably meet the housing needs of all residents especially given the amount of affordable housing demanded throughout the surrounding region.

## SECTION 2: POLICY STRATEGIES

The following eight housing policy strategies were prepared on the basis of a six-month study that included extensive community engagement, quantitative analysis, and regulatory assessment. The strategies were also carefully reviewed by the Village of Ossining professional staff as well as all members of the Village Board of Trustees.

Drafting housing policy in an inherently complex process that requires not only the vision and leadership of a locality but also extensive coordination with other units of governance including adjoining localities, school districts, state governments, and the federal government. In addition, strategic partnerships with

the private, philanthropic, and non-profit sectors also affect a community's capacity to meet the housing needs of its current residents. However, the policy strategies presented below focus exclusively on the interventions falling within the purview of the Village of Ossining and that can be implemented within the next three years.

## Policy Strategy #1: Increase Village Leadership in Economic Development

### Policy Purpose

- *Appoint an experienced professional economic development specialist to design and implement an inclusive economic development strategy that increases the commercial tax base, attracts new businesses, increases employment opportunities for lower income residents, maximizes development opportunities and complements the Village's housing policy framework.*

### Current Conditions

The Village is blessed with a highly knowledgeable professional staff endowed with deep knowledge of land use, zoning, housing policy, and urban planning. However, the Village does not currently have a designated economic development specialist charged with crafting a formal economic development strategy and aligning it with the goals of the Village's housing policies. Although it may seem that economic development plans are tangential to housing issues, the existing conditions research that was conducted for *Housing Ossining* revealed some palpable economic challenges with far-reaching implications on housing access and affordability. Specifically, new real estate development has not always resulted in housing units aligned with community need. Limited employment prospects have made it harder for lower income residents to afford rising housing costs. An undersupply of commercial development has in turn placed a heightened tax burden on residential properties. Without a trained economic development specialist, the Village may miss out on opportunities for allocating land uses in a way that is not only fiscally productive but that also meets local housing needs.

### Implementation Steps

1. Analyze the potential economic return of redeveloping underutilized or vacant properties.
2. Estimate the financial cost of hiring a part-time or full-time economic development specialist.
3. Assess the potential return of hiring an economic development specialist with regard to the realization of tax revenue.
4. Prepare a draft economic development strategy as part of the job description of the economic development specialist.
5. Coordinate strategy with the proposals from the Downtown Redevelopment Working Committee
6. Hire an economic development strategist with a proven track record of securing community benefits from new real estate activity.

### Potential Benefits

The economic development specialist could provide the Village with a roadmap for reducing its dependency on residential property taxes and enhancing the economic mobility of existing residents. Specifically, the specialist could help identify suitable underutilized downtown sites such as Market Square or along the Highland Avenue corridor and promote their development to an expanded network of real estate developers. The specialist could also update the economic development components of the comprehensive plan and make sure that future dispositions of Village owned properties like Market Square generate local housing benefits. The specialist could also help promote the vitality of downtown Ossining and serve as a valuable asset to the Downtown Redevelopment Working Committee. However, the specialist's role could also include linking key areas of industrial growth such as e-commerce, multi-media design, or cybersecurity with development sites and local workforce development programs. Lastly, the specialist could help the Village assemble an appropriate package of incentives and marketing activities that preserve and expand the local business community, thereby improving the overall quality of community life in the downtown as well as surrounding neighborhoods.

### Challenges and Limitations

The hiring of a full-time economic development specialist could prove very costly especially given the salaries customary for an experienced professional as well as the requisite fringe benefit costs associated with such a position. One alternative to a full-time specialist would be to hire a consultant to prepare the strategy and oversee its implementation. Although this approach would insulate the Village from a long-term financial burden, it would compromise the effectiveness of the proposed policy strategy. The Village needs a specialist who is local, visible, and well-connected to the business and real estate community within Ossining and beyond. An outside consultant, limited by contractually circumscribed duties, cannot represent the voice of Ossining as well as a Village employee. If the Village cannot afford a full-time specialist, they should instead consider hiring a part-time specialist with an office at Village Hall.

## Policy Strategy #2: Adopt a Proactive Approach to Building Code Enforcement

### Policy Purpose

- *Fully engage tenants, landlords, community groups, and citizens in a collaborative effort to increase awareness of building code regulations and ensure their compliance.*

### Current Conditions

The Village of Ossining's Building Department is charged with enforcing local and state building regulations. A summary of these regulations, especially those dealing with overcrowding and building inspection procedure, can be found in *Housing Ossining Technical Paper #2: Regulatory Assessment*. This technical paper also documents the Village's enduring efforts to remedy building violations by refining its code and better aligning it with the state regulations. However, the Village's challenges associated with code compliance go far beyond remedying the law. Also at issue is the understaffing of the Building Department, the protracted judicial process when a matter rises into legal action, and the broad unawareness of the code by landlords and tenants alike. While it might be suggested that certain landlords and tenants simply do not want to be fully versed in the code, it is also the case that the Village's building regulations are not easily decipherable. Like many localities, Ossining has a code that



reflects decades of revision, references to state code, and importations of the International Building Code. As a result, it is not always easy for even a trained building professional to definitively know exactly what is required under the code and the steps necessary to remedy a violation.

#### Implementation Steps

1. Hire two additional staff members, including bilingual staff for both administrative as well as enforcement functions.
2. Establish code enforcement beats in which officers follow a regularized schedule for observing neighborhoods and documenting any indications of building violations or overcrowding.
3. Organize community members to participate in regular code enforcement tours in which groups of citizens follow a formal schedule for conducting observations of different neighborhoods and reporting potential violations to the Building Department.
4. Establish an anonymous building violation telephone hotline that accepts voice mail messages about building violations.
5. Create and distribute clear, user friendly, graphically designed guides to the local and state building code regulations and the requirements for overcoming a building code violation.
6. Provide some level of building code education to Village staff members outside of the Building Department.
7. Substantially Increase monetary fines for building code violations especially for work that is completed before the request for building permits.
8. Require a Certificate of Occupancy as a precondition for a property sales transaction in order to create a mechanism for inspecting illegally subdivided buildings.
9. Explore the possibility of applying financial penalties to landowners who maintain derelict or vacant properties.
10. Complete the Village's already in progress efforts to establish a code enforcement appeals board that enables an alternative forum for dispute resolution besides the court system.
11. Complete the Village's already in progress efforts to reactivate Landlord Tenant Council with diverse representation of participants including owners of small and large buildings as well as residents from all economic, ethnic, and linguistic backgrounds.

### Potential Benefits

The implementation steps above are aimed at expanding the universe of participants in the code enforcement process. The burdens of the Building Department can be offset by increasing citizen participation while also activating new volunteer entities such as the Code Enforcement Appeals Board and the Landlord Tenants Council. However, the primary benefit of the implementation steps above is not simply the resolution of building code violations but hopefully the prevention of violations from happening in the first place by increasing broad awareness of the regulations. Building owners would hopefully recognize the importance of bringing their dwelling units up to standard. To that end, the Village's approach to 'messaging' the advancement of these steps is as important as the implementation of these steps. Landlords and tenants are more likely to work cooperatively together if the Village provides clear information about key building code requirements in non-legalistic terms and embeds the implementation steps above within a broad multi-lingual communications campaign.

### Challenges and Limitations

Any increase in staffing capacity to the Village Building Department will result in an increased financial burden to the Village. Stricter code enforcement may also be interpreted as overzealous or even harassment by both building owners and tenants. Moreover, a proactive approach may not necessarily constitute the optimal allocation of limited resources especially if routinized observations weaken the Building Department's ability to focus on the resolution of the most egregious and urgent code violations. Finally, if overcrowding is reduced by stricter code enforcement, then some level of displacement may occur, thereby further intensifying the Village's challenges in providing a sufficient supply of affordable housing to lower income residents. Due to the limited number of communities that have formed landlord tenant councils, the effectiveness of this approach with regard to reducing building violation issues remains uncertain. A further challenge is ensuring that the council is adequately staffed by a diverse representation of landlords and tenants, especially given the fears of landlord retribution that some tenants may have in deciding whether or not to assume a more visible role in code enforcement issues. The best way for the Village to ensure a fair and equitable approach to code enforcement is to make sure that the rules and regulations are broadly and multilingually conveyed in simple terms and that citizen run inspection beats are regularized. In this way, everyone is accountable to the same standards and reports of building violations are not personalized.

## Policy Strategy #3: Modify Village Development Incentive Program

### Policy Purpose

- *Ensure that tax incentives for new development result in housing units that meet community needs for mixed income housing and inclusive economic development.*

### Current Conditions

Many localities struggle with determining the appropriate approach to taxing new development projects. Historically, many communities have felt that tax exemptions or PILOTS should be offered on luxury residential projects because they may help to stabilize a distressed area and generate a significant increase in tax ratables over the long-term. On the other hand, tax exemptions are notoriously difficult to determine in relationship to community benefits. Specifically, it is not always clear whether or not a tax exemption will result in housing price points that are affordable to the existing community.

Another concern about providing tax exemptions for new luxury housing is that these new units may have a gentrifying impact on older housing within its immediate vicinity and possibly lead to the displacement of current residents. Lastly, the Village is contemplating opportunities for attracting and preserving businesses that generate tax revenue and provide local jobs. However, the Village does not currently have an incentive program that sufficiently outlines the appropriate methods for supporting the business community.

#### Implementation Steps

1. Prepare a comprehensive inventory of development sites throughout the Village.
2. Determine the optimal land use scenarios for development sites based upon housing and economic development objectives.
3. Formulate a package of draft incentives (including tax exemptions but also density bonuses, and streamlined land use approval) for projects that advance the Village's housing and economic development goals.
4. Solicit feedback on the draft incentives from economic development stakeholders.
5. Publish the incentive program so that prospective developers can easily understand the expectations and benefits of building within the Village.

#### Potential Community Benefits

Instead of reacting ad hoc to various development proposals and analyzing the community benefits offered by them, the Village will have in place a carefully designed incentive program that establishes a baseline expectation of the kinds of community benefits desired from new projects. Ideally, this program will not discourage prospective developers but instead attract a wider more diverse pool of developers whose interests are aligned with the Village's housing and economic development goals.

#### Challenges and Limitations

There is a possibility that the Village will lose out on development opportunities from developers who are able to secure a more generous tax exemption policy without being required to provide the levels of affordable housing and job opportunities required by the Village's incentive program. For sites that are especially difficult to develop, it may be that advantageous for the Village to retain some level of flexibility in determining the optimal incentives for a particular development proposal.

### Policy Strategy #4: Expand the Village's Network of Local Housing Developers

#### Policy Purpose

- *Expand the network of housing developers within the Village of Ossining in order to ensure a more diverse group of builders, enhance access to innovative funding sources, and align new development with housing and economic development goals.*

### Current Conditions

Ossining's housing developers are limited to the Interfaith Council for Action (IFCA), some larger national developers, a few smaller and more local developers, and private landowners. Community Preservation Corporation also has a presence in the Village. Meanwhile, many private developers and non-profit redevelopment entities in the metropolitan New York have only limited awareness of the development opportunities within the Village of Ossining. Moreover, Ossining does not have any community based redevelopment entities focused specifically on Ossining (such as a Community Development Corporation, Land Bank, Community Land Trust or Housing Development Finance Corporations) that are charged specifically with the development and preservation of affordable housing within Ossining.

### Implementation Steps

1. Inventory prospective development sites within the Village of Ossining and make them publicly viewable on the Village website.
2. Host developer outreach events at the Village that are focused on presentation of the development sites as well as the Village's housing and economic development policies.
3. Conduct outreach to Hudson Valley CDCs, Newburgh Land Bank, and community land trusts in order to better understand the opportunities for partnership or replicating such entities within the village.
4. Analyze the invocation of private housing law to enable the conversion of rental buildings and underutilized land into limited equity coops.

### Potential Community Benefits

The creation of community based or tenant housing organizations could help ensure that new housing supply on optimal development sites is sufficiently responsive to housing needs. Moreover, these types of organizations may be eligible for affordable housing funding streams not typically available to private developers or enable new kinds of create partnerships with the Village. Lastly, the Village may also succeed in attracting developers with expertise in building specialized housing products including senior housing and transit-oriented development.

### Challenges and Limitations

A new housing entity in Ossining may not be administratively easy to institutionalize and some of them will require ongoing coordination with Village staff. Also, the effectiveness of such institutions is limited to their ability to construct new housing. Given the small number of vacant sites or vacant buildings, the strength of such entities will be largely limited to the rehabilitation of existing housing. Also, the formation of HDFCs introduces new challenges for ensuring the proper maintenance of buildings.

## Policy Strategy #5: Revise Village Affordable Housing Policy

### Policy Purpose

- *Provide a deeper and broader level of affordability requirements for new housing development to ensure access to affordable housing by lower income households and that supports mixed income housing*

### Current Conditions

*Housing Ossining Technical Paper #2: Regulatory Assessment* offers a detailed description of the Village’s affordable housing policy. Drafted in 2006, the policy required that 10% of units in new buildings with six or more units must be built to be affordable to households making less than 80% AMI. Developments that meet the affordability requirement on site for households making 80% AMI or less are eligible for a density bonus equal to the total number of affordable units provided. If a developer makes 10% of total units affordable to low income households making 60% AMI or less, the developer is eligible for an additional density bonus equal to 5% of the total number of market rate units originally proposed.

Under the Village’s Affordable Housing Program, in cases of hardship, a developer may contribute to affordable housing fund instead of providing on-site housing. This fund can be used by other developers to meet the subsidy required to build an affordable housing unit elsewhere. However, the precise terms of the buyout provision are not clearly defined within the policy and instead buried within the Village’s schedule of fees. So far, it does not appear than developers have opted to contribute to the fund in lieu of building on-site affordable housing. Only a small number of housing units have been built under the program.

Although the Village’s current policy is consistent with many other communities, there are other communities, as shown below, that have applied higher set aside requirement with lower AMI thresholds. Some localities (such as Kirkland, Washington and Boulder, Colorado) have also applied their affordable housing policies even to buildings with less than six units.

Inclusionary Zoning Programs in Westchester		
Community & Date Zoning Adopted	Set-aside %	Buy-out Fee (Yes/No)
1) <a href="#">Town of Bedford, amended in 2012</a> (no change since 2005)	10% single family subdivisions & 20% multi-family (sale units must be affordable to 80% AMI, otherwise not listed)	Yes –only for single-family homes, not permitted in multi-family develop.
2) <a href="#">Village of Hastings, adopted in 2001 (amended 2013)</a>	15% set-aside applies to any residential. develop of 8 or more units (single family, two family or multifamily); 2/3 of set aside units must be for affordable while 1/3 can be workforce or affordable (AMI not listed)	No
3) <a href="#">Town of Greenburgh, adopted in 1996 (amended in 2008, but no change)</a>	10% of new units in multifamily districts (Affordable housing defined as 80% AMI)	No
4) <a href="#">Town of North Salem, adopted in 2000 (amended 2012)</a>	10% and 20% set asides in selected districts; 60% AMI for rentals and 2.5x max family income for sales	No
5) <a href="#">Village of Port Chester, adopted in 2004 (no change)</a>	10% of new multi-family units in selected districts (80% AMI)	No
6) <a href="#">Town of Somers, adopted in</a>	15% of all permitted residential units	

**HOUSING OSSINING TECHNICAL PAPER #4: POLICY FRAMEWORK**

<a href="#">2003 (amended in 2008)</a>	(80% AMI)	No
7) City of White Plains, adopted in 2001 (cannot find)	6% set aside in new multi-family districts in the downtown area	No- Rentals Yes –If ownership
8) <a href="#">City of Yonkers, adopted as follow-up to the 1988 Court mandated Housing Remedy Order (amended 2013)</a>	10% of units set aside: 40% of those for 40% to 65% AMI, 20% for 66% to 80% AMI, 40% for 80% to 100% AMI; developments under 20 units exempt	Yes—Affordable Housing Trust Fund
9) <a href="#">Town of Yorktown, adopted in 2005 (amended 2012)</a>	10% set-aside in residential subdivisions & 10% set-aside if multi-family – but at least 15% in new multi-family of 31+ units. (80% AMI)	No
10) <a href="#">City of New Rochelle (amended 2016 but no substantive change)</a>	10% set-aside rental & ownership. Requirements for 80% AMI, but 60% AMI referenced for construction by Housing Fund	Yes

Implementation Steps

1. Modify the housing policy so that that 20% of units in new buildings with four or more units must be built to be affordable to households making less than 60% AMI.
2. Offer existing landowners tax incentives for voluntarily allocating 10% of their existing units as affordable for households making 40% to 60% of AMI.
3. Stipulate concrete buyout provisions that ensure that developers are still incentivized to build on-site units and that the price of a buyout is enough to meet the cost of providing affordable housing.

Potential Community Benefits

A more aggressive inclusionary housing program ensures that a greater number of housing units will be affordable at a wider range of price points and that luxury housing will not become the only type of housing built in new developments. If the inclusionary housing program could be applied on a voluntary basis to existing buildings, then the Village’s total pool of affordable units would be increased. By explicating the terms of the affordable housing fund, the Village could create a stable revenue source that could be used to support the development of very low-income housing (30% AMI) or (b) offset rehabilitation costs for distressed building.

Challenges and Limitations

Inclusionary zoning’s success is typically dependent on the scale of new housing development activity. Even if the required coverage is increased from 10% to 20%, only a relatively small number of units compared with the total number of housing units in the Village would be affected. The other 80% of market rate units could be priced significantly beyond levels affordable to most current residents. The effectiveness of the housing fund is constrained by the scale of new housing development constructed. Given the limitations of development sites, it may be possible that very little to no contribution is made to the fund. The application of voluntary inclusionary housing to new buildings is uncommon. However, since the idea has been suggested by the local development community, careful consideration should still be given to the possibility of exchanging some kind of incentive for affordable housing allocations.

## Policy Strategy #6: Eliminate Regulatory Barriers to Housing Development

### Policy Purpose

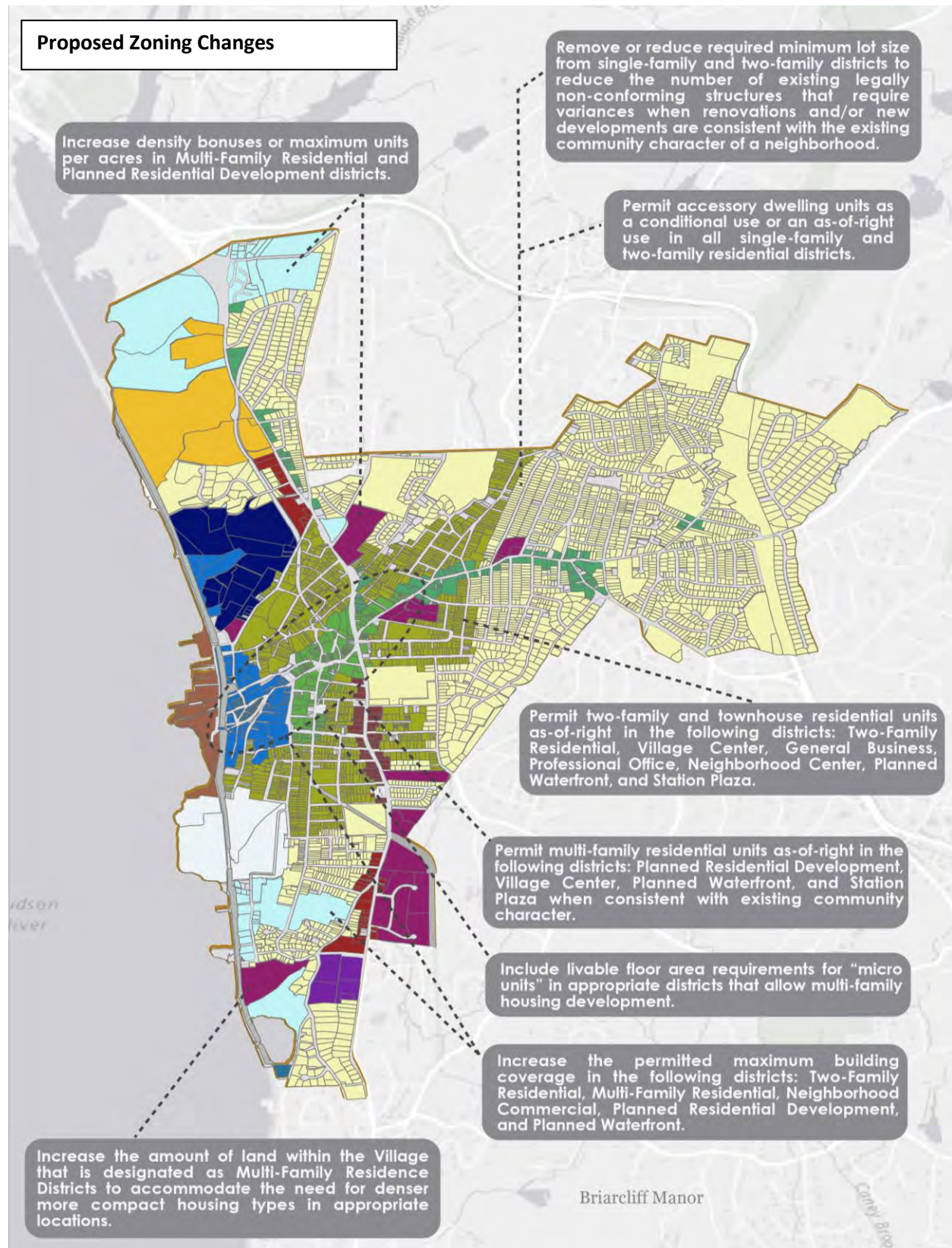
- *Update the Village's Comprehensive Plan and Zoning Regulations to enable the construction of multi-family housing in places where there already is a prevailing pattern of multi-family housing*

### Current Conditions

As discussed in great detail in *Housing Ossining Technical Paper #2: Regulatory Assessment*, the Village's 2009 Comprehensive Plan provides objectives related to multi-family housing development and affordable housing preservation. However, the plan lacks strong housing policy language, restricts as-of-right residential development, and fails to identify geographic priority areas for high density residential development.

While the Comprehensive Plan mentions the desire for mixed use development and infill development in areas such as the waterfront and downtown, the language in these sections regarding residential and multifamily housing does not offer a sufficiently coherent vision for strong residential communities in these areas. As the language stands, residential development is permitted, but not expressly encouraged. Similarly, in an attempt to combat issues associated with overcrowding, the comprehensive plan specifically restricts two-family and multi-family residential uses to conditional uses even in areas where there already is multifamily housing. Consequently, the conversion of a single-family home to a two-family home is administratively burdensome even in a two-family district. Finally, the Comprehensive Plan creates barriers for housing development by specifically identifying where multi-family housing is not encouraged, such as GB districts, but failing to identify target areas where densification and new housing development should be directed.

Similarly, the current zoning code, reflecting historical concerns about overcrowding, restricts multi-family and two-family development and densification in areas that are prime for increasing housing development. Non-traditional housing typologies such as accessory dwelling units and micro-units are not defined or explicitly regulated within the existing zoning code. Maximum building coverage requirements prohibit the full and efficient use of land within the Village. Sixty percent of the land area in the Village is zoned as single-family or two-family residence districts whereas less than five percent of land is dedicated to multi-family residential districts.





### Implementation Steps

1. Revise the comprehensive plan to:
  - Identify geographic priority areas for residential densification within the Village;
  - Add stronger policy language that encourages multi-family residential units as a strong/majority component in mixed-use development; and
  - Support zoning, especially in downtown and commercial districts, that enables multifamily and two-family residential development as of right.
  
2. Revise the zoning code to:
  - Permit two-family and townhouse residential units as-of-right in the following districts: Two-Family Residence, Village Center, General Business, Professional Office, Neighborhood Center, Planned Waterfront, and Station Plaza.
  - Permit multi-family residential units as-of-right in the following districts: Planned Residential Development, Village Center, Planned Waterfront, and Station Plaza when consistent with existing community character.
  - Permit accessory dwelling units as a conditional use or an as-of-right use in all single-family and two-family residential districts.
  - Include livable floor area requirements for “micro units” in appropriate districts.
  - Increase the permitted maximum building coverage in the following districts: Two-Family Residence, Multi-Family Residence, Neighborhood Commercial, Planned Residential Development, and Planned Waterfront.
  - Increase the amount of land within the Village that is designated as Multi-Family Residence Districts to accommodate the need for denser more compact housing types in appropriate locations.
  - Increase density bonuses or maximum units per acres in Multi-Family Residence and Planned Residential Development districts.
  - Remove or reduce required minimum lot size from single-family and two-family districts to reduce the number of existing legally non-conforming structures that necessitate variances when renovations and/or new developments are consistent with the existing community character of a neighborhood.

### Potential Community Benefits

The revision of the comprehensive plan and the zoning code could help make it easier for property owners and developers to increase housing supply without requiring variances. However, the housing supply would only be increased in areas that are appropriate for greater density based upon the prevailing pattern of built form in that area. Instead of property owners taxing the land use approval process with requests for waivers and variances, they would be allowed to build multifamily housing as-of-right in places where there already are multifamily housing units. The revision of the Village’s land use regulations would therefore create logic and clarity to the development rules and so encourage more developers to construct housing in suitable places within Ossining. This increase in housing, built at a high level of quality and in full accordance with building regulations, would also help offset the elimination of informal or illegal housing through stricter code enforcement. In other words, legal

density would be allowed in places where existing land use patterns warrant a higher intensity of land use while density and overcrowding would be eliminated in places where it is happening illegally.

#### Challenges and Limitations

One of the reasons behind the Village's seemingly contradictory zoning codes is fear of overcrowding. Specifically, higher density housing was restricted even in areas where there already was an established legal framework for higher densities and an already existing high intensity of land use. These perceptions may persist. Some residents fear that allowing the zoning code to enable higher densities of housing will lead to overcrowding and thereby promote unsafe living conditions as well as increased pressures on the transportation system and parking supply.

Another core concern of many residents in Ossining is that higher density housing will result in a larger population of school children that will only further exasperate the capacity issues already confronting the Ossining School District. There is no easy answer to ensuring that the school district has sufficient funds and building capacity in order to accommodate increased enrollment. The reform of school district funding will require policy changes that go far beyond the purview of the Village of Ossining. On the other hand, the liberalization of land use regulations may not necessarily result in a net increase of new Ossining residents but rather the migration of existing residents from substandard housing conditions to higher quality dwelling units. New housing units may appeal to a broad cross-section of residents including families with children but also seniors desiring to age in Ossining but without the burdens of maintaining a single-family home.

Before the Village advances zoning changes, it should already have in place the new code enforcement program. The Village should also undertake a careful visual documentation of the areas proposed for rezoning and show the contextuality for allowing multi-family development. Finally, the Village will need to work carefully with the School District to better understand ways that new housing development could potentially provide funding support for preserving and expanding school facilities.

### Policy Strategy #7: Improve Transit Access and Reduce Automobile Dependency

#### Policy Purpose

- *Limit the effects of automobile dependency on neighborhood conditions while increasing transit access and encouraging more affordable transit oriented development.*

#### Current Conditions

Parking and transportation policy has a significant impact on the performance and affordability of a locality's housing supply. Like many communities, the Village regulates overnight parking in its residential areas. In order to obtain an overnight parking waiver in the Village of Ossining, an application must be filled out and returned to Village Hall by mail or by hand along with all of the requested documents including vehicle registrations and documents establishing residency or another connection to Ossining. However, the granting of such a sticker is not limited by the number of households in a given multi-family unit. As a result, a house could be legally overcrowded but still be eligible for an unlimited number of parking permits, thereby further encouraging overcrowding.

A second issue is the high number of off-street parking allotments required for residential developments. These allotments in turn raise the cost of housing, costs which are then passed onto the tenant. Moreover, there is only limited development space within Ossining. Every piece of land allocated to construction of a parking space is land that otherwise could have been used for housing. For a detailed discussion of the parking requirements in each of the Village's zoning districts, see *Housing Ossining Technical Paper #2: Regulatory Assessment*.

Lastly, the Village's limited mass transit service means that most residents must rely on private automobiles for most of their trips. Vehicular dependency compromises housing needs in several ways. First, automobile dependency increases the need for more parking throughout the Village, and therefore reduces the amount of land available for housing construction as noted above. Secondly, the cost of acquiring and owning an automobile is especially burdensome for lower income households already struggling to meet housing costs. Third, the need to own an automobile limits where a person works and what type of employment they can find.

#### Implementation Steps

1. Regulate number of on-street parking permits issued per housing unit.
2. Reduce minimum off-street parking requirements in older single-family neighborhoods and transit-supported residential districts.
3. Consider granting density bonuses to developers who are able to share parking with existing lots.
4. Work with Westchester County Department of Public Works and Transportation to improve Bee Line Bus service frequency in Ossining, especially along corridors with high residential density.

#### Potential Community Benefits

The proposed limitations on parking permits could help reduce overcrowding while also providing relief to neighborhoods overcome by limited parking supply. Meanwhile, relaxing the parking requirements for multi-family developments, especially those downtown and well-served by transit, could help to reduce the overall construction costs of new development and therefore make it easier for developers to provide more affordable units. Lastly, improved transportation options would not only give residents a more affordable way of commuting but also reduce the pressure to allocate limited land holdings to parking.

#### Challenges and Limitations

Regulating on-street parking will not directly address the root factors causing residential overcrowding. The burden of these regulations will fall upon tenants in overcrowded units and could potentially lead to their displacement.

The proposed reduction of parking requirements has limited benefit in that it would only apply to new housing developments and will not address inefficient land allocations for older developments.

Lastly, upgrading service levels and modifying bus routes is a difficult undertaking for most localities. The proposed changes to a local transit system may take a long time and may be difficult to synchronize with changes in housing policy.

## Policy Strategy #8: Apply State Rent Stabilization Law to Eligible Multi-Family Buildings

### Policy Purpose

- *Protect renters from dramatic rent increases, poor building conditions, and displacement by regulating eligible buildings under the Emergency Tenant Protection Act.*

### Current Conditions

In 1974, New York State created a provision called the Emergency Tenant Protection Act (ETPA) that allows municipalities located in certain suburban counties in the New York Metropolitan Area to adopt a form of rent stabilization. While Westchester County is one of the counties included in the ETPA, each individual village, town, or city must formally adopt ETPA under the condition that there is less than a 5% housing vacancy in the jurisdiction. When a building in Westchester is rent stabilized under ETPA, the annual allowable rental increases are determined by the Westchester County Rent Guidelines Board. Additionally, the operation of rent stabilized units is regulated by rules promulgated by the New York State Department of Housing and Community Renewal (DHCR). These rules establish requirements for lease renewals, establish building maintenance standards and penalties, and provide processes for building owners to recover the cost of capital improvements through bounded rental increases. The renter protections under ETPA can only be applied to buildings constructed prior to 1974 and with six or more units. ETPA also require landlords to offer tenants 1 or 2-year lease renewals.

Ossining has considered ETPA several times in recent years. Attention to affordability and the possibility of adoption was raised in the early 2000s. By the summer of 2005, residents were writing op-eds in local papers and pressing for the adoption of the ETPA in Ossining. Many were particularly alarmed at the rising rents in developments like Claremont Gardens. The pro-ETPA sentiments remained strong and alive for at least the next year. Although the beliefs likely remained among some in the community, the push to adopt ETPA did not resurface until 2016 when several protests were held in support of ETPA and at least one public forum was devoted to its discussion at a Village Board meeting.

In September 2016, a housing vacancy study was completed for all multifamily units in buildings with six units or more constructed before 1974. The Multifamily Vacancy Study, conducted by Community Housing Innovations, concluded that the vacancy rate for these units is approximately 3.09%. Vacancy data, published in *Housing Ossining Technical Paper #1: Quantitative Analysis*, indicates that the vacancy rate for rental building is 5.09% for all rental buildings within Ossining for the period between 2011 and 2015. The New York State Department of Housing and Community Renewal does not provide concrete guidance on the best way to perform the vacancy study for the purposes of determining a locality's eligibility for rent stabilization. There are no regulations suggesting that the vacancy rate cannot be determined on the basis of a subset of total properties as was done as part of the Community Housing Innovations Study.

There are currently 19 municipalities in Westchester County that have adopted ETPA. The vast majority of these municipalities adopted ETPA's provisions in the 1970s, but two, Croton-on-Hudson and the City of Rye have adopted since the year 2000. The table below contains information pertaining to ETPA for all of these communities including the minimum number of units in a building needed to trigger ETPA, the year the municipality adopted ETPA, and the approximate number of units covered by ETPA in the municipality. The number of units covered by ETPA is estimated through an examination of the local budgets where each municipality is entitled to collect a \$10 administrative fee from landlords for each unit. The vast majority of ETPA units in Westchester are in Yonkers, Mount Vernon, and New Rochelle.

Localities with Rent Stabilization in Westchester			
Municipality	Minimum Units	Year Adopted	Units (Fee Paid)
Croton-on-Hudson	50	2003	N/A
Dobbs Ferry	6	1974	550
Eastchester	6	1974	372
Greenburgh	6	1980 or before	N/A
Harrison	6	N/A	290
Hastings	6	N/A	350
Irvington	20	N/A	66
Larchmont	6	N/A	200
Mamaroneck Town	6	1976	244
Mount Kisco	16	1979	74
Mount Vernon	6	1976	6,500
New Rochelle	6	N/A	5,000
Pleasantville	20	1979	39
Port Chester	12	N/A	400
Rye	50	2006	N/A
Sleepy Hollow	10	N/A	~240
Tarrytown	6	1974	650
White Plains	6	1974	2,750
Yonkers	6	N/A	21,060

### Implementation Steps

1. Continually monitor the rate of rental increases and displacement of residents in ETPA eligible buildings through landlord and tenant surveys.
2. Implement other elements of the Housing Policy Framework and evaluate their effectiveness in meeting housing needs.
3. Monitor the distribution of building violations between ETPA eligible buildings and smaller non-ETPA eligible buildings.
4. Update the vacancy study with the most recently available census information or through administration of a new survey.
5. Reconsider rent stabilization based upon the outcomes of the Housing Policy Framework and re-evaluation of housing market trends.

### Potential Community Benefits

If the Village of Ossining adopted ETPA, at least 1200 rental units could be potentially subject to rent stabilization. These 1200 units constitute 29% of the Village’s total number of rental units and 14% of its total number of housing units. As such, EPTA could ensure long-term affordability for current residents at a dramatically greater scale than what could be provided through inclusionary zoning, a program

whose effectiveness is limited to the increased supply of new housing units. It is possible that the number of rent stabilized units would decline due to high-rent deregulation<sup>2</sup>, high-rent high-income deregulation<sup>3</sup>, or the conversion of rental buildings to owner occupied condominiums or cooperatives. Nonetheless, there is no other mechanism available to the Village of Ossining that can come even close to tempering exorbitant rent increases as would adoption of ETPA.

Moreover, ETPA not only regulates the permissible amount of rental increases. It also enfold buildings into a state regulatory structure in which maintenance issues, lease renewals, and capital improvements are supervised by DHCR. The adoption of ETPA also allows for the locality to adopt rent increase exemption programs for disabled persons and seniors.

The combined effect of price regulations, complaint procedures, and lease renewals all help to protect economically and racially diverse residents from being displaced as a result of rental fees, landlord retaliation for building complaints, or broader gentrification patterns. Due to data limitations, it is difficult to accurately gauge recent rental increases and displacement levels in ETPA eligible buildings. Anecdotal evidence, however, does not suggest exorbitant price increases or massive displacement currently unfolding in ETPA eligible buildings in Ossining. However, given the rising costs of housing in New York City and development patterns in Westchester, it is indeed possible to imagine that significant increases in rental rates could eventually occur in Ossining. The adoption of ETPA would help protect residents from being displaced from their homes in the event of such price increases.

### Challenges and Limitations

Inasmuch as ETPA protects renters from dramatic price escalations or building maintenance problems, the effectiveness of the current legislation in meeting housing needs is constrained by the limited pool of buildings eligible for inclusion. As noted above, the state law only allows for rent stabilization to be applied to buildings constructed prior to 1974 and with six or more units. This means that 70% of the village's rental units and 86% of total housing units would not be affected at all by the adoption of ETPA. Newer and smaller rental buildings would not be subject to rent stabilization. The fact that ETPA covers only a segment of the village's total number of housing units is problematic on two levels. First, adoption of ETPA would create a bifurcated code enforcement process in which some buildings would be overseen exclusively by the Village Building Department whereas other buildings would be subject to oversight by DCHR as well as the Village. The greater issue, however, is that much of the Village's challenges with regard to building maintenance issues and overcrowding reside not in the larger apartment buildings eligible for ETPA but within smaller buildings not eligible for ETPA. As such adopting ETPA, in and of itself would still leave a significant set of housing issues unaddressed.

A second problem with ETPA is that it is not a need-based affordable housing program. Although there are provisions for deregulation on the basis of a household's income exceeding \$200,000, there is no regulation or enforcement mechanism that ensures that rent stabilized apartments are rented to households requiring lower priced apartments on the basis of their financial need. Rent stabilization and succession provisions may compel tenants to stay in their units for a long period even if the unit no longer matches their housing needs. As such, tenants in greater need of affordable housing may have less access to stabilized units than tenants with a lower need for affordable housing. It should also be

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<sup>2</sup> The existing deregulation threshold for Westchester County is \$2,774.73.

<sup>3</sup> Units may be deregulated if the tenant reports more than \$200,000 in income for two consecutive years on their New York State income tax returns.

noted, however, that most ETPA eligible buildings are not luxury, high amenity buildings. As such there is a very high possibility that ETPA buildings would serve a great number of lower income households regardless of the lack of means testing.

Critics of ETPA have also suggested that ETPA would reduce a building’s net operating income, making it harder for building owners to meet the financial costs of building maintenance and also leading to lower tax revenues on account of building devaluation. However, it should also be noted that economic evaluations of rent stabilization programs in Westchester and New York City do not reveal that rent stabilization broadly reduces the capacity of the owners to afford maintenance expenses. The degree of building devaluation is also difficult to gauge as it depends on the rent increase permitted by the rent guidelines board and the gap between stabilized rents versus market rents.

ETPA may require increased administrative burdens on the part of the locality in order to meet the reporting requirements mandated by New York State Department of Housing & Community Renewal. However, the degree and extent of this burden may be more than offset by the community benefits from preserved affordable housing. More significant, however, may be the administrative burdens experienced by landlords with regard to lease renewals, complaint procedures, and capital improvements. These burdens may in turn make it harder rather than easier for landlords of ETPA eligible apartment units to expediently resolve building condition issues.

### SECTION 3: EVALUATION OF POLICY STRATEGIES

The table below is offered as a simple means for evaluating the potential effectiveness of the proposed policy strategies in redressing the housing issues discussed in Section 1 of this paper.

Proposed Housing Policy Strategy	Substandard Living Conditions	Rising Housing Costs	Limited Economic Development Activity	Barriers to Developing New Housing	Community Displacement
1 Increase Village Leadership in Economic Development			✓	✓	
2 Adopt a Proactive Approach to Building Code Enforcement	✓			✓	
3 Modify Village Development Incentive Program		✓	✓	✓	✓
4 Expand the Village’s Network of Local Housing Developers	✓		✓	✓	✓
5 Revise Village Affordable Housing Policy		✓		✓	✓
6 Eliminate Regulatory Barriers to Housing Development	✓	✓	✓	✓	✓
7 Improve Transit Access and Reduce Automobile Dependency	✓			✓	
8 Apply State Rent Stabilization Law to Eligible Multi-Family Buildings	✓	✓			✓

## SECTION 4: IMPLEMENTATION AND PHASING RECOMMENDATIONS

All eight policies should be considered by the Village of Ossining. None of them, including the adoption of rent stabilization, should be considered fatally flawed. However, the Village should exercise caution in the sequence in which various measures are further evaluated and undertake a careful process of advancing from one strategy to the next. As such, the policy strategies in this paper were not sequenced arbitrarily but rather in the order, albeit loosely defined, in which they should be implemented. It is expected that all of these policy strategies can be considered for adoption within the next 36 months.

The very first implementation action should be the appointment of an economic development specialist to support the Village's Planning and Development Director on the implementation of an economic development strategy that harmonizes with the housing policies. The success of so many of these strategies is dependent on the building of strategic partnerships and designing of effective communication strategies. Besides supporting the Planning and Development Director in these areas, the economic development specialist could help analyze the funding options and fiscal impacts of the other strategies. Moreover, the specialist can help to address the issues of educational access, vocational training, and job placement that enhance the economic mobility of the Village's lowest income residents.

Given the human safety concerns surrounding poor building conditions, the second strategy regarding code enforcement should become the Village's second priority after hiring the economic development specialist. While ETPA offers a mechanism for redressing *some* of the distressed buildings, only a proactive code enforcement process run by the Village can address the property maintenance and overcrowding issues for *all* of the village's building stock and especially its smaller multi-family buildings.

The third strategy related to modification of the Village's development incentive program is an easy fix with broad support and should be done fairly soon so that it can affect imminent development proposals. It is important, however, that the Village not simply establish a policy with regard to tax exemptions for new housing developments but examine the full range of incentives for attracting quality inclusive development to the Village.

The expansion of the Village's network of local housing developers, as expressed in the fourth strategy, is a task highly appropriate for the economic development specialist. And with the development incentive program in place, it will be easier to promote the development of key sites in accordance with the goals of the Village's housing and economic development policies.

The revision of the Village's Affordable Housing Policy should then be done in lockstep with the elimination of regulatory barriers to housing development and the advancement of sustainable transportation policies. Housing, land use, and transportation are all interrelated disciplines that merit careful linkages through the updating of the Village's comprehensive plan. In particular, the densification of land use within the Village's downtown and train station area raises valid community concerns about traffic impacts, school capacity constraints, and community character. As such a holistic approach should be taken to proposals for intensifying land use so that they maximize community benefit and limit adverse impacts.

Finally, with its code enforcement practices, land use regulations, and economic development program firmly in place, the Village should then consider the viability of rent stabilization based upon current market trends and vacancy levels. The deferred consideration of ETPA should not be misunderstood as a



rejection of its merits. As noted in the discussion of Policy Strategy #8, compared with other interventions, rent stabilization indeed promises the greatest protection against displacement for the tenants residing within ETPA eligible units. However, ETPA does not address the overwhelming variety of housing units in the Village nor can it fully resolve all of issues that the Village is currently confronting. For example, the issue of poor building conditions can and should be addressed for all residential units, not a subset of them. Moreover, careful attention must be paid to the supply of new housing units coming online into the Village. While ETPA confers benefits to existing tenants, it does not ensure fair and equitable access to new housing units nor does it link housing eligibility to economic need. The prospect of Ossining becoming increasingly unaffordable is a legitimate concern especially given the spillover effects of the New York City housing market and changing settlement patterns in the Hudson Valley. If rental increases and tenant displacement in ETPA eligible buildings demonstrably begins to soar and if other code-enforcement strategies prove ineffective in redressing the building condition issues in older multi-family buildings, the Village should then re-evaluate the prudence of rent stabilization. However, the other more broadly applicable policies outlined in this framework should be implemented first.

# HOUSING OSSINING TECHNICAL PAPER #1

## Quantitative Analysis



**Submitted to the Village of Ossining**

**August 30<sup>th</sup>, 2017**



**Kevin Dwarka LLC**  
Land Use & Economic Consulting

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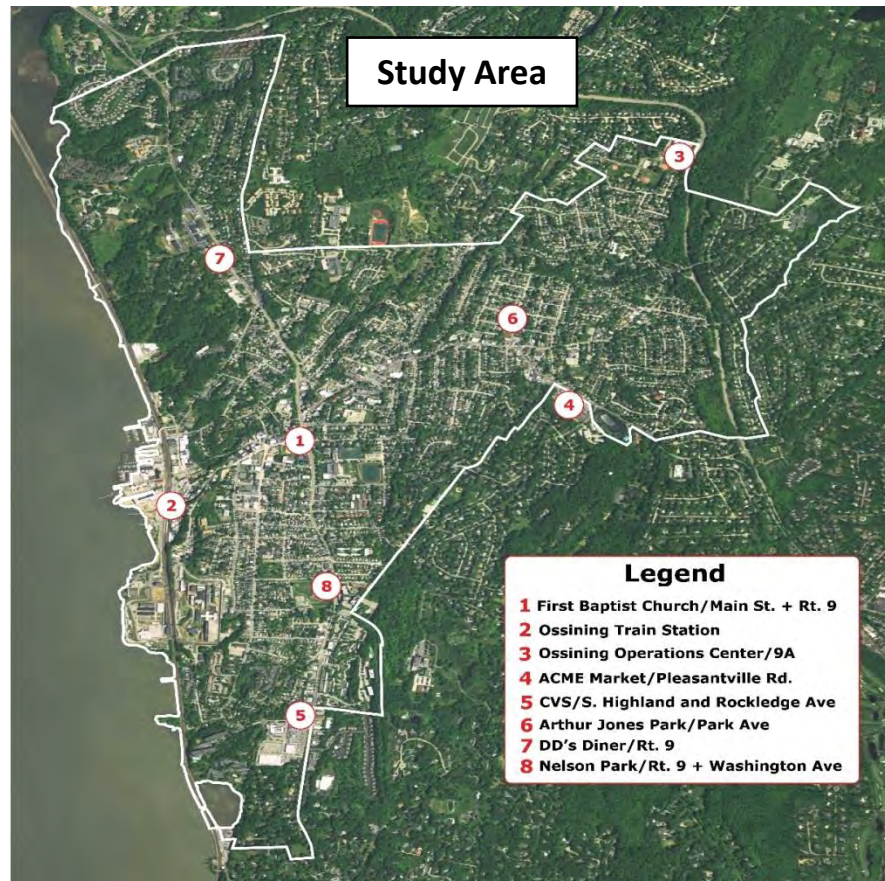
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## INTRODUCTION

In February 2017, the Village of Ossining commenced *Housing Ossining*, a six-month multidisciplinary study focused on the identification of housing policies that would best meet the diverse housing needs of present and future residents. Kevin Dwarka LLC, a New York City based land use and economic consulting firm, was engaged to analyze the village's housing needs, review best practices and formulate a broad set of housing policy strategies. Formulated with the help of extensive community input, the study culminated with the completion of four technical papers:

- Technical Paper #1: Quantitative Analysis
- Technical Paper #2: Regulatory Assessment
- Technical Paper #3: Community Engagement Record
- Technical Paper #4: Policy Framework

This document represents the study's first technical paper whose purpose is to establish a quantitative record of the demographic, economic, and real estate trends that impact the supply, affordability, and quality of housing in the Village of Ossining. The primary geographic unit of analysis is the Village itself excluding the Sing Sing Correctional Facility and the characteristics of its inhabitants therein. Data from the Village of Ossining is compared with data from the Town of Ossining (including the Village of Ossining and incorporated parts of Briarcliff Manor) and Westchester County. None of these geographies have changed boundaries since the year 2000, thereby enabling longitudinal trend analysis.



Source: ESRI DigitalGlobe Basemap Imagery

## SECTION 1: GEOGRAPHIC CONTEXT AND LAND USE CONDITIONS

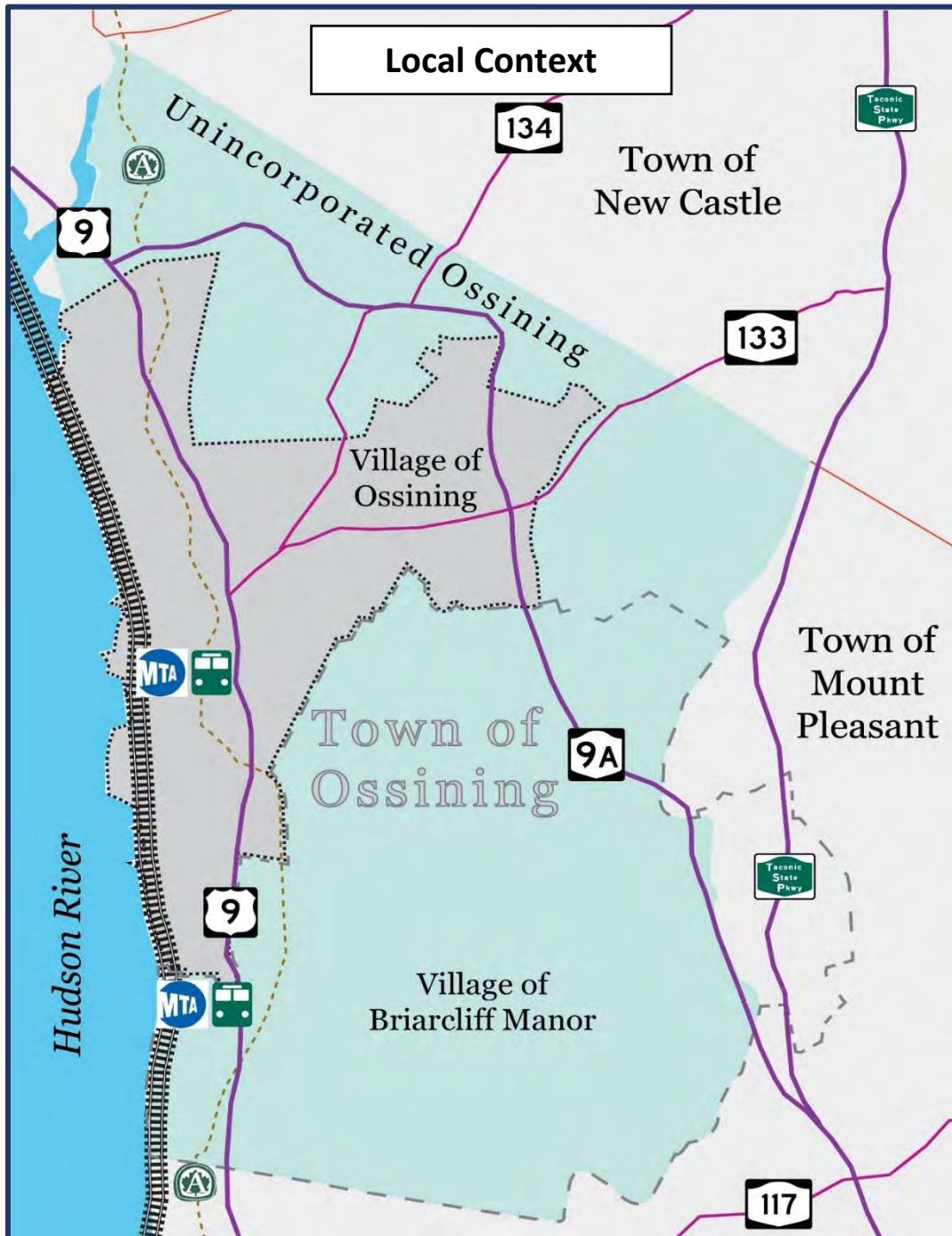
### Regional Context

The Village of Ossining is located within Westchester County, along the eastern bank of the Hudson River, and approximately 35 miles north of New York City. Situated within the Town of Ossining, the village is surrounded by Croton-on-Hudson, New Castle, and Mount Pleasant.



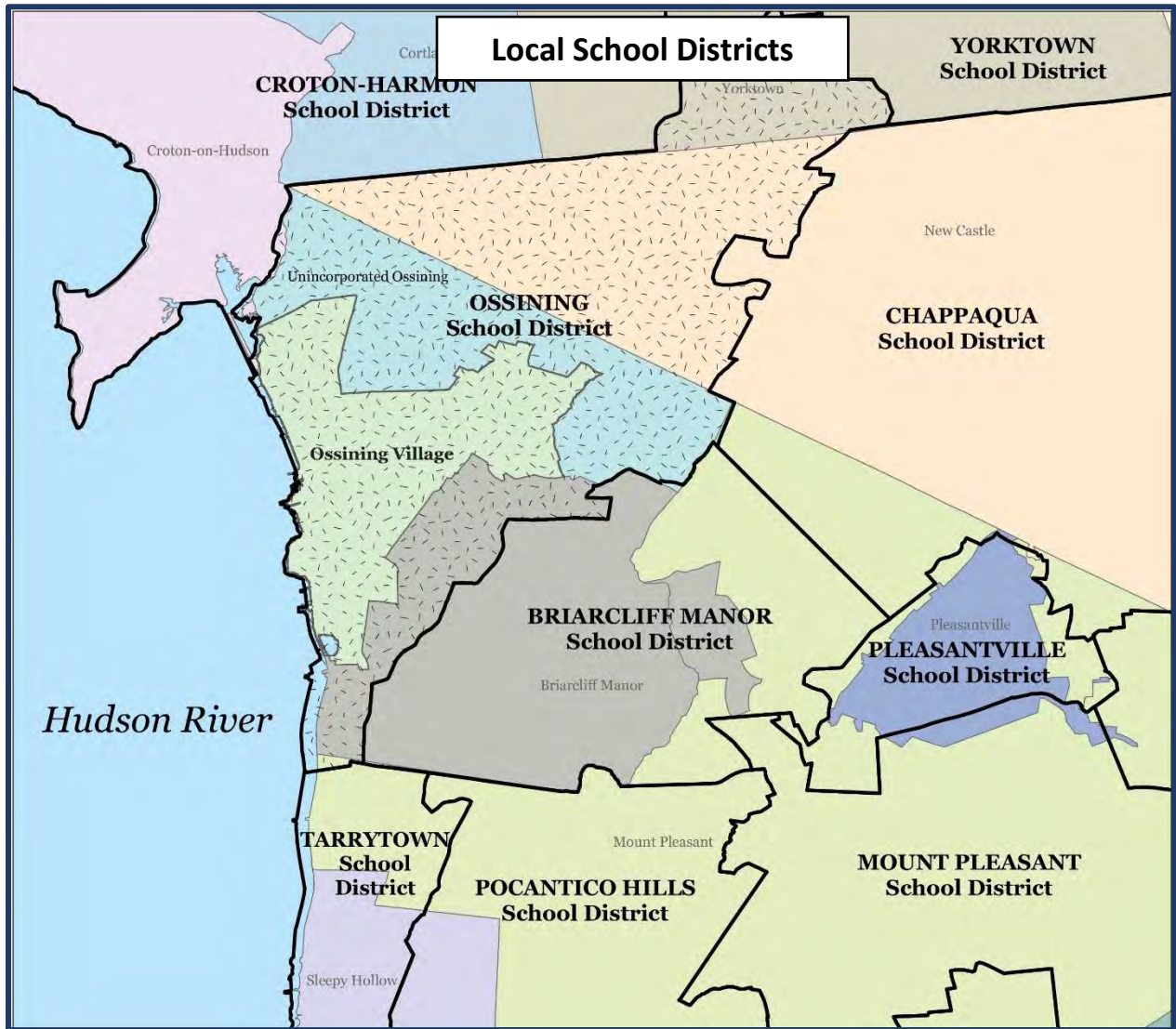
### Local Context

The Village of Ossining is a relatively small (three square miles) community located along the Hudson River in Northern Westchester County. The Village is located within the Town of Ossining along with the Village of Briarcliff Manor. It is served by a Metro North Station; US Route 9 (North Highland Avenue); US Route 9a (Briarcliff-Peekskill Parkway); and New York State Route 133 (Croton Avenue).



### School District

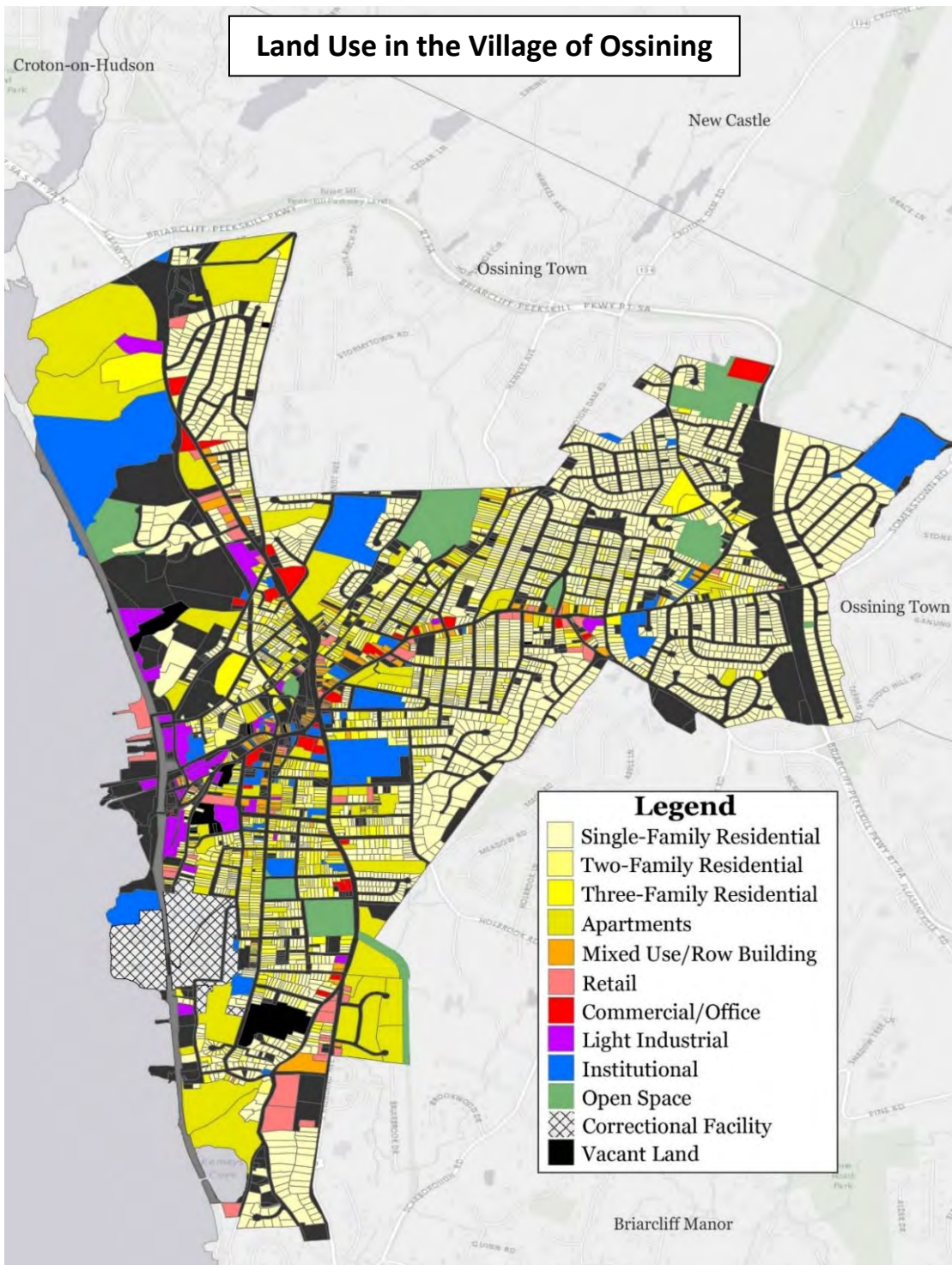
The only school district serving the village is the Ossining School District, which also serves parts of the Town of Ossining, Briarcliff Manor, the Town of New Castle, and Yorktown.





## Land Use Map

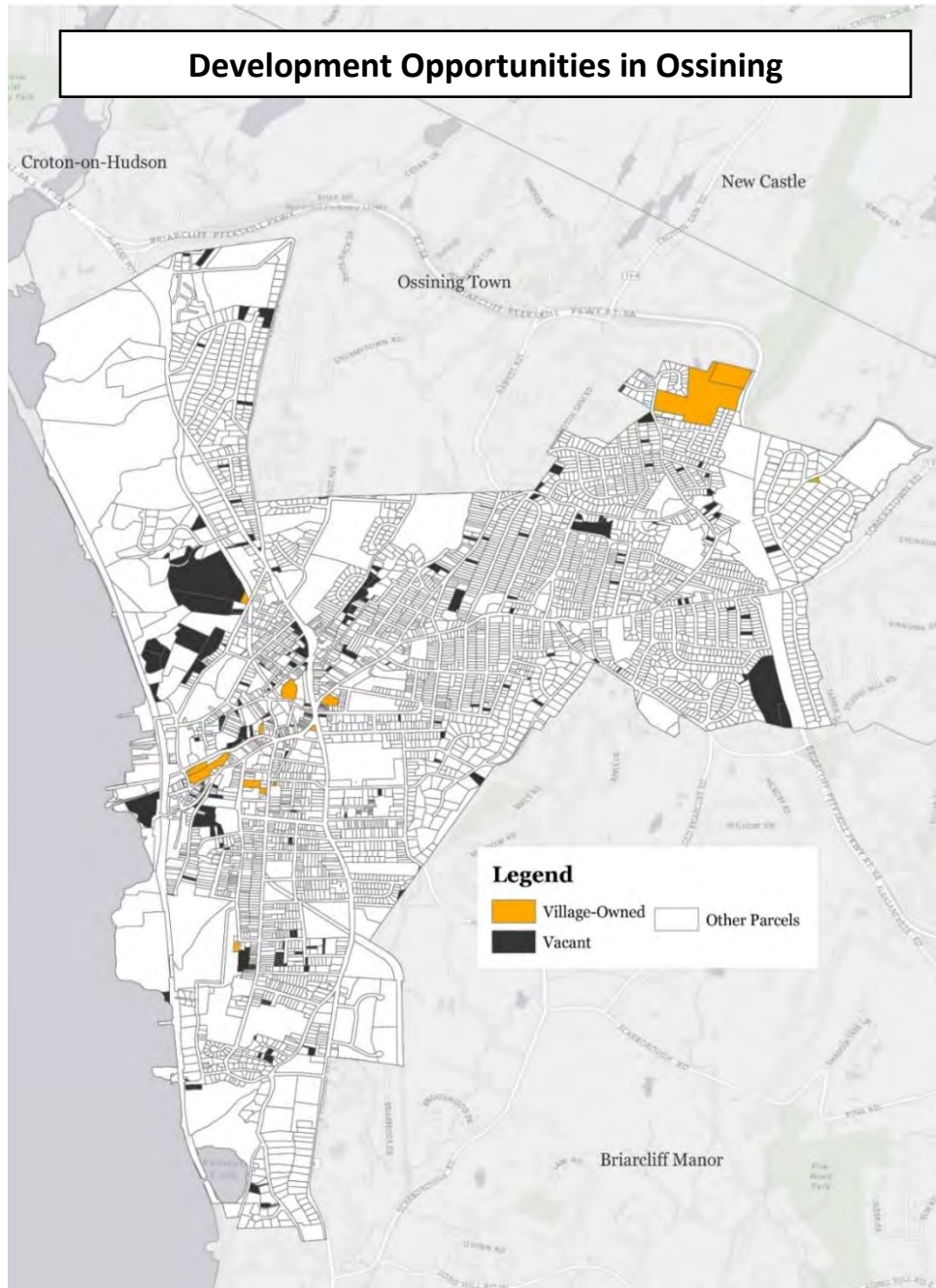
The map below displays the land use of each property in the village.



Source: Town of Ossining

### Development Opportunities

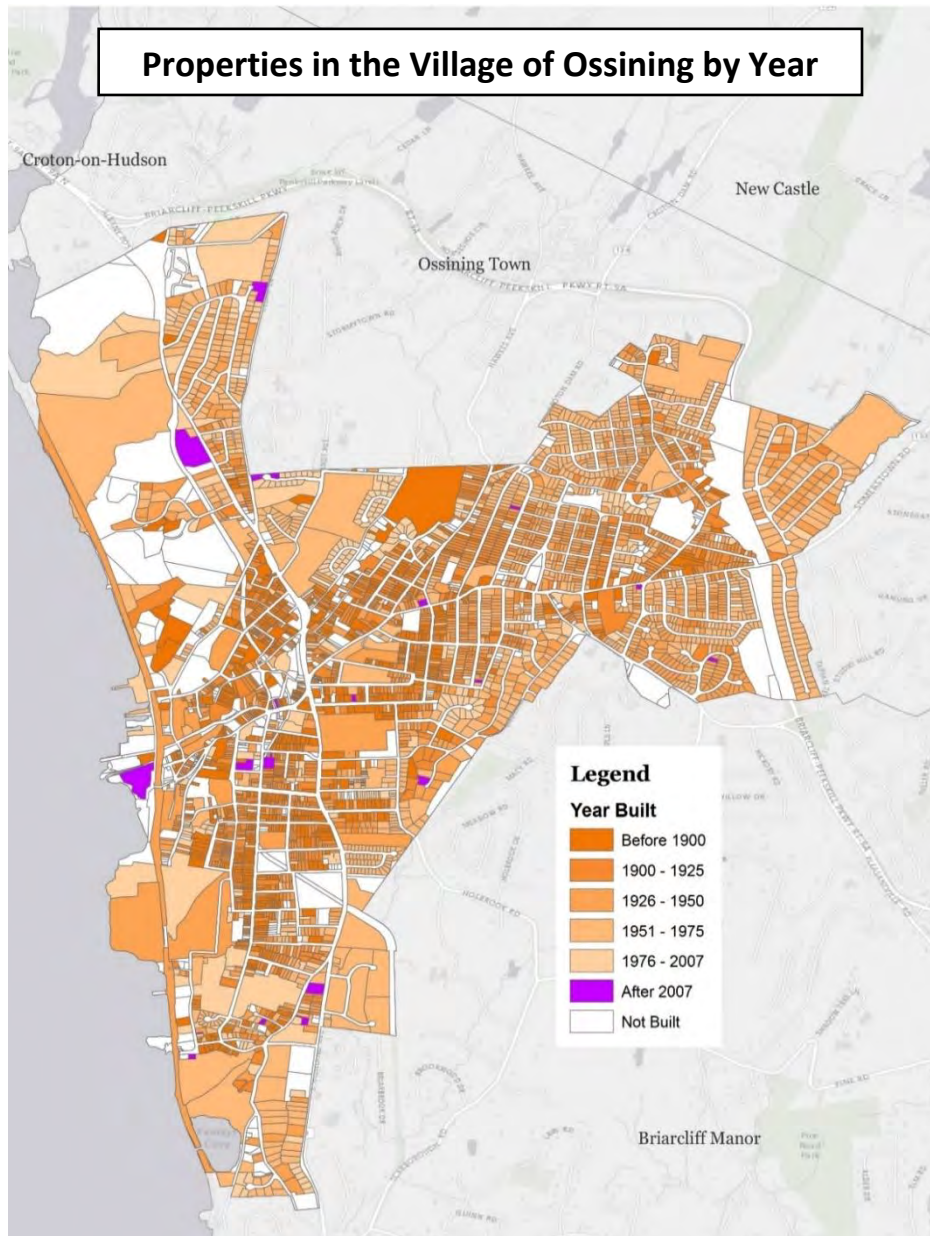
The map below displays vacant properties in a clearer, more-straightforward way than the land use map above. In addition, village-owned parcels are included in this map as well. Together, all of the properties highlighted on the map are considered sites for potential development



Source: Town of Ossining

### Age of Properties in Housing

The map below displays the time period in which the buildings in Ossining were built. The newest-built structures are displayed in purple and properties for which there is no data are displayed in white. The oldest structures appear to be concentrated around downtown Ossining while newer buildings are farther away. Of the approximately 500 units of housing that were built in Ossining since 2007, only 17 or about 3% were single-family homes (compared to 38% for the whole Village) while the rest were apartments.



Source: Town of Ossining

## SECTION 2: DEMOGRAPHICS

This section examines the demographics of the village in terms of the resident population's ages, incomes, races, ethnicities, genders and family situations. Like the other quantitative sections of this report, the Village is compared to the Town of Ossining and Westchester County.

### Population and Household Demographics

#### Population Trends

The Village of Ossining's population has grown at nearly double the rate of the county and more than three times the rate of the rest of the Town. The vast majority of the population growth experienced by the Town of Ossining occurred within the Village.

Change in Population				
Location	2000	2010	2011/2015	Percent Change 2000-2011/2015
Village of Ossining <sup>1</sup>	21,698	23,311	23,536	8.5%
Town outside Village	12,524	12,614	12,825	2.4%
Town of Ossining	36,534	37,674	38,136	4.4%
Westchester County	923,459	949,113	967,315	4.7%

Source: US Census Bureau, Decennial Census and 2011/2015 American Community Survey

#### Household Composition

Married-couple families comprise the majority of households in Westchester County and the Town of Ossining, but only a plurality of households in the Village of Ossining. Single parent-households with parents of both genders are more common in the Village of Ossining and overall there are about 5% more single parent-households in the Village than the County or the Town.

Distribution of Households by Family Situation						
	Village of Ossining		Town of Ossining		Westchester County	
<b>Total</b>	<b>7,823</b>		<b>12,246</b>		<b>341,866</b>	
Married-couple family household	3,695	47%	6,610	54%	177,649	52%
Male householder, no wife present	551	7%	651	5%	15,770	5%
Female householder, no husband present	1,209	15%	1,530	12%	44,247	13%
Nonfamily Household	2,368	30%	3,455	28%	104,200	30%

Source: US Census Bureau, 2011/2015 American Community Survey

#### Age

Between 2000 and 2011/2015, the Village has seen a slight increase in the proportion of the youth population while the Town has remained roughly the same and the County has seen a slight decline.

Population Under Age 18		
Location	2000	2011/2015
Village of Ossining	20.7%	23.0%
Town of Ossining	21.8%	21.9%
Westchester County	25.0%	23.2%

Source: US Census Bureau, Decennial Census and 2011/2015 American Community Survey

<sup>1</sup> Village of Ossining Population figures exclude the population of the Sing Sing Correctional Facility

The Village of Ossining has seen a dip of more than 4% in the proportion of young adults living in the community while the Town and the County have seen more modest decreases.

Population Age 18 to 34		
Location	2000	2011/2015
Village of Ossining	28.0%	23.7%
Town of Ossining	23.5%	21.0%
Westchester County	20.5%	20.1%

Source: US Census Bureau, Decennial Census and 2011/2015 American Community Survey

The proportion of the population age 35 to 64 increased by 3% in the Village of Ossining while the Town and the County saw slightly smaller percentage increases in that same population.

Population Age 35 to 64		
Location	2000	2011/2015
Village of Ossining	40.3%	43.2%
Town of Ossining	41.7%	43.8%
Westchester County	40.5%	41.4%

Source: US Census Bureau, Decennial Census and 2011/2015 American Community Survey

The proportion of the population age 65 and older decreased very slightly between 2000 and 2011/2015 while the Town experienced almost no change and the County experienced a slight increase.

Population Age 65 and Older		
Location	2000	2011/2015
Village of Ossining	11.0%	10.1%
Town of Ossining	13.0%	13.3%
Westchester County	14.0%	15.3%

Source: US Census Bureau, Decennial Census and 2011/2015 American Community Survey

### Racial Composition

The Village of Ossining has higher proportions of the community that are Hispanic or Latino (50%) or identified as some other race (30%) than the Town of Ossining or Westchester. The Village of Ossining has a proportionally smaller White (46%) and Asian population (5%) than both the Town and the County.

Population by Race and Ethnicity						
Race or Ethnicity	Village of Ossining <sup>1</sup>		Town of Ossining		Westchester County	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
White	10,861	46.1%	21,662	56.8%	644,076	66.6%
Black or African American	3,075	13.1%	4,801	12.6%	139,500	14.4%
American Indian	654	2.8%	654	1.7%	3,691	0.4%
Asian	1,131	4.8%	2,278	6.0%	55,039	5.7%
Some other race	6,976	29.6%	7,429	19.5%	95,577	9.9%
Two or more races	839	3.6%	1,298	3.4%	29,231	3.0%
Hispanic or Latino	11,767	50.0%	13,097	34.3%	225,366	23.3%

Source: US Census Bureau, 2011/2015 American Community Survey

## Income Levels

### Household Income

Across all indicators of income, the Village of Ossining has lower incomes than the Town and the County. The Town of Ossining and Westchester County's median incomes are approximately 30% greater than the Village of Ossining's median income.

Population Level Incomes				
Income Measure	Village of Ossining	Briarcliff Manor	Town of Ossining	Westchester County
Median income	\$61,746	\$141,170	\$79,688	\$83,958
Mean income	\$87,267	\$220,241	\$122,859	\$134,714
Per Capita Income	\$28,075	\$76,256	\$40,732	\$48,885

Source: US Census Bureau, 2011/2015 American Community Survey

### Change in Median Household Income

Although median household income has increased in the Village, the Town, and the County since the year 2000, incomes grew fastest in the County as a whole and slowest in the Village of Ossining.

Location	2000	2011/2015	Change 2000-2011/2015
Village of Ossining	\$52,185	\$61,746	18.3%
Town of Ossining	\$65,485	\$79,688	21.7%
Westchester County	\$63,582	\$83,598	31.5%

Source: U.S. Census Bureau, Decennial Census and ACS data

### Income by Household Composition

Married-couple families in Ossining have the highest median income of any family situation. The median single-parent family earns 50% less than the median married-couple family. There are approximately 1,200 households headed by a single woman for whom the median income is \$44,000.

Median Income by Household Composition			
	Village of Ossining	Town of Ossining	Westchester County
All Families	\$61,603	\$98,070	\$108,108
With biological children under 18	\$57,056	\$83,050	\$114,743
With non-biological children under 18	\$71,779	\$103,470	\$104,194
Married-couple families	\$87,361	(X)	\$132,877
Female householder, no husband present	\$44,093	(X)	\$50,234
Male householder, no wife present	\$45,397	(X)	\$61,072

Source: US Census Bureau, 2011/2015 American Community Survey

### Income by Race

The median income for White and Asian households in the Village of Ossining is lower than the median income for White and Asian Households in the Town as a whole and Westchester County. Conversely, American Indian and Hispanic or Latino Households have a median income comparable to the rest of the Town and the County. African Americans in the Village have a median income about \$10,000 lower than the median for African Americans in the Town as whole, but about \$10,000 higher than African Americans countywide. The median Hispanic or Latino household earns \$10,000 less than the median African American Household and \$20,000 less than the median White or Asian household.

Median Income by Race			
Race	Village of Ossining	Town of Ossining	Westchester County
White	\$72,019	\$99,826	\$98,072
Black or African American	\$61,181	\$73,854	\$52,543
American Indian	\$54,870	\$54,870	\$53,778
Asian	\$75,882	\$104,115	\$119,372
Some other race	\$48,173	\$50,250	\$47,895
Hispanic or Latino	\$51,500	\$53,795	\$52,738

Source: US Census Bureau, 2011/2015 American Community Survey

While 40% of households with White householders in the Village of Ossining have high incomes (over 100K), this proportion is lower than the 50% for Westchester County as a whole. White householders in the village are slightly more likely (18%) than those in the County at large (16%) to have lower incomes (under \$30K).

White Householder Incomes						
Income	Village of Ossining		Town of Ossining		Westchester County	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total:	4,292		8,097		243,177	
Under \$30,000	787	18%	1,174	14%	38,825	16%
\$30,000 to \$59,999	1,044	24%	1,513	19%	40,714	17%
\$60,000 to \$99,999	750	17%	1,364	17%	43,594	18%
\$100,000 or more	1,711	40%	4,046	50%	120,044	49%

Source: US Census Bureau, 2011/2015 American Community Survey

African American householders in the Village of Ossining are more likely to have high incomes and less likely to have low incomes than African Americans countywide.

African American Householder Incomes						
Income	Village of Ossining		Town of Ossining		Westchester County	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total:	1,032		1,154		48,969	
Under \$30,000	227	22%	227	20%	15,335	31%
\$30,000 to \$59,999	272	26%	279	24%	11,413	23%
\$60,000 to \$99,999	164	16%	188	16%	10,103	21%
\$100,000 or more	369	36%	460	40%	12,118	25%

Source: US Census Bureau, 2011/2015 American Community Survey

Hispanic and Latino householders in the Village of Ossining are much less likely than White or African American householders to have high incomes and much more likely to have lower incomes or be living in poverty.

Hispanic or Latino Householder Incomes						
	Village of Ossining		Town of Ossining		Westchester County	
Income	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total:	3,120		3,408		62,466	
Under \$30,000	865	28%	887	26%	17,617	28%
\$30,000 to \$59,999	922	30%	955	28%	17,283	28%
\$60,000 to \$99,999	821	26%	925	27%	13,025	21%
\$100,000 or more	512	16%	641	19%	14,541	23%

Source: US Census Bureau, 2011/2015 American Community Survey

Asian householders in the Village of Ossining are much more likely to have low incomes or be earning poverty-level wages and much less likely to be earning high incomes than Asian householders in Westchester County as a whole.

Asian Householder Incomes						
	Village of Ossining		Town of Ossining		Westchester County	
Income	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total:	342		677		17,245	
Under \$30,000	83	24%	95	14%	2,043	12%
\$30,000 to \$59,999	70	20%	92	14%	1,955	11%
\$60,000 to \$99,999	67	20%	124	18%	2,901	17%
\$100,000 or more	122	36%	366	54%	10,346	60%

Source: US Census Bureau, 2011/2015 American Community Survey

### Income by Age

Older householders in the Village of Ossining are slightly more likely to earn lower incomes and less likely to earn high incomes than older householders in Westchester County as a whole.

Income by Age						
	Village of Ossining		Town of Ossining		Westchester County	
Income	Estimate	Percent	Estimate	Percent	Estimate	Percent
<b>Total:</b>	<b>7,823</b>		<b>12,246</b>		<b>341,866</b>	
<b>Householder 65 years and over:</b>	<b>1,528</b>		<b>2,879</b>		<b>88,366</b>	
Under \$30,000	506	33%	781	27%	26,750	30%
\$30,000 to \$59,999	425	28%	660	23%	19,849	22%
\$60,000 to \$99,999	276	18%	522	18%	16,356	19%
\$100,000 or more	321	21%	916	32%	25,411	29%

Source: US Census Bureau, 2011/2015 American Community Survey



### Income by Gender

The gender wage gap in the Village of Ossining is not as large as it is in Westchester County as a whole. In fact, in the Village of Ossining, the median earnings for male, full-time workers is \$42,168, approximately \$2,000 less than the median for female, full-time workers, \$44,123.

Income by Gender						
	Village of Ossining		Town of Ossining		Westchester County	
Income	Estimate	Percent	Estimate	Percent	Estimate	Percent
<b>Total:</b>	<b>14,038</b>		<b>20,880</b>		<b>512,786</b>	
<b>Male:</b>	<b>7,171</b>		<b>10,700</b>		<b>266,302</b>	
Under \$20,000	2,265	31.6%	2,902	27.1%	62,203	23.4%
\$20,000 to \$39,999	2,089	29.1%	2,494	23.3%	50,471	19.0%
\$40,000 to \$74,999	1,507	21.0%	2,040	19.1%	55,587	20.9%
\$75,000 or more	1,310	18.3%	3,264	30.5%	98,041	36.8%
<b>Female:</b>	<b>6,867</b>		<b>10,180</b>		<b>246,484</b>	
Under \$20,000	2,919	42.5%	4,093	40.2%	78,217	31.7%
\$20,000 to \$39,999	1,445	21.0%	1,928	18.9%	50,365	20.4%
\$40,000 to \$74,999	1,411	20.5%	2,101	20.6%	59,719	24.2%
\$75,000 or more	1,092	15.9%	2,058	20.2%	58,183	23.6%

Source: US Census Bureau, 2011/2015 American Community Survey

### Income of Workers in Ossining

Most workers employed in the Village of Ossining, including those currently living in the Village, earn more than \$40,000 per year, but 48% of workers earn less. The low incomes of these workers may make it difficult to find housing in or near Ossining. In comparison, 55% working residents in the Village of Ossining earn more than \$40,000 per year.

Incomes of Those Working in Ossining		
Monthly Earnings	Number of Workers	Percent of Workers
\$1,250 per month or less	1,053	18.9%
\$1,251 to \$3,333 per month	1,632	29.3%
More than \$3,333 per month	2,885	51.8%

Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics – Origin Destination Employment Statistics

## SECTION 3: HOUSING

This section compiles data related to the Village's housing units including their total numbers, types, cost, and condition. Additionally, this section also provides analysis of the degree to which various segments of the Village population are cost burdened as a result of housing prices.

### General Housing Conditions

#### Housing Tenure

The Village of Ossining has a larger proportion of renter-occupied units than the Town or the County as a whole. It is important to note that a slight majority of households in the Village are renter-occupied, but the split is relatively even.

Housing Tenure					
Location	Renter-Occupied Units	% of Renter-Occupied Units	Owner-Occupied Units	% of Owner-Occupied Units	Occupied Households
Village of Ossining	4,199	53.7%	3,624	46.3%	7,823
Town of Ossining	4,887	39.9%	7,359	60.1%	12,246
Westchester County	131,671	38.5%	210,195	61.5%	341,866

Source: US Census Bureau, 2011/2015 American Community Survey

The homeownership rate is highest among White householders in the Village of Ossining followed by Asian Householders. The homeownership rate for African American and Hispanic or Latino householders is under 30%. These disparities between racial groups also exist at the County level as well, but the homeownership rate for all racial groups is lower in the Village of Ossining.

Homeownership Rate by Race and Ethnicity				
Location	White	African American	Asian	Hispanic
Village of Ossining	64.7%	29.1%	46.2%	25.0%
Town of Ossining	74.6%	33.3%	67.4%	28.4%
Westchester County	71.1%	35.5%	63.6%	32.4%

Source: US Census Bureau, 2011/2015 American Community Survey

#### Types of Housing Units

In contrast to the county as a whole, the Village of Ossining has proportionally fewer single-family homes and large apartment building units and more duplexes and small apartment buildings.

Units Per Housing Structure						
UNITS IN STRUCTURE	Village of Ossining		Town of Ossining		Westchester County	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total housing units	8,406	8,406	13,015	13,015	370,032	370,032
1-unit, detached	2,523	30.0%	5,639	43.3%	165,659	44.8%
1-unit, attached	679	8.1%	1,345	10.3%	20,052	5.4%
2 units	1,241	14.8%	1,308	10.0%	32,571	8.8%
3 or 4 units	1,403	16.7%	1,570	12.1%	31,453	8.5%
5 to 9 units	633	7.5%	720	5.5%	18,536	5.0%
10 to 19 units	584	6.9%	648	5.0%	14,985	4.0%
20 or more units	1,343	16.0%	1,773	13.6%	86,129	23.3%

Source: US Census Bureau, 2011/2015 American Community Survey

### Age of Housing Units

More than one-third of the homes in the Village of Ossining were built before 1939 which means that a large portion of homes are over 80 years old and are likely to require substantial upkeep. Another 30% of homes are over 50 years old. The village experienced a rapid expansion of the housing stock between 1950 and 1990. Like the rest of the County, housing development in Ossining slowed down in the 1990s and 2000s.

Age of Housing Structure						
YEAR STRUCTURE BUILT	Village of Ossining		Town of Ossining		Westchester County	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total housing units	8,406	8,406	13,015	13,015	370,032	370,032
Built 2014 or later	25	0.3%	25	0.2%	130	0.0%
Built 2010 to 2013	9	0.1%	26	0.2%	1,932	0.5%
Built 2000 to 2009	298	3.5%	580	4.5%	19,581	5.3%
Built 1990 to 1999	262	3.1%	759	5.8%	18,007	4.9%
Built 1980 to 1989	907	10.8%	1,908	14.7%	28,132	7.6%
Built 1970 to 1979	974	11.6%	1,242	9.5%	34,306	9.3%
Built 1960 to 1969	1,454	17.3%	2,205	16.9%	51,922	14.0%
Built 1950 to 1959	1,162	13.8%	2,351	18.1%	71,026	19.2%
Built 1940 to 1949	405	4.8%	491	3.8%	30,112	8.1%
Built 1939 or earlier	2,910	34.6%	3,428	26.3%	114,884	31.0%

Source: US Census Bureau, 2011/2015 American Community Survey

### Housing Inventory in Ossining

#### Inventory of New Development

Between 2012 and 2016, more than 450 units of multifamily housing and about a half-dozen single-family homes were constructed in the Village of Ossining. Although it may not be typical that large projects such as Harbor Square (188 units) or Avalon Ossining (168 units) are constructed, at this rate, approximately 90 units of housing are produced in the Village each year. In these most recent years the vast majority of new units have been multifamily units following broader national trends.

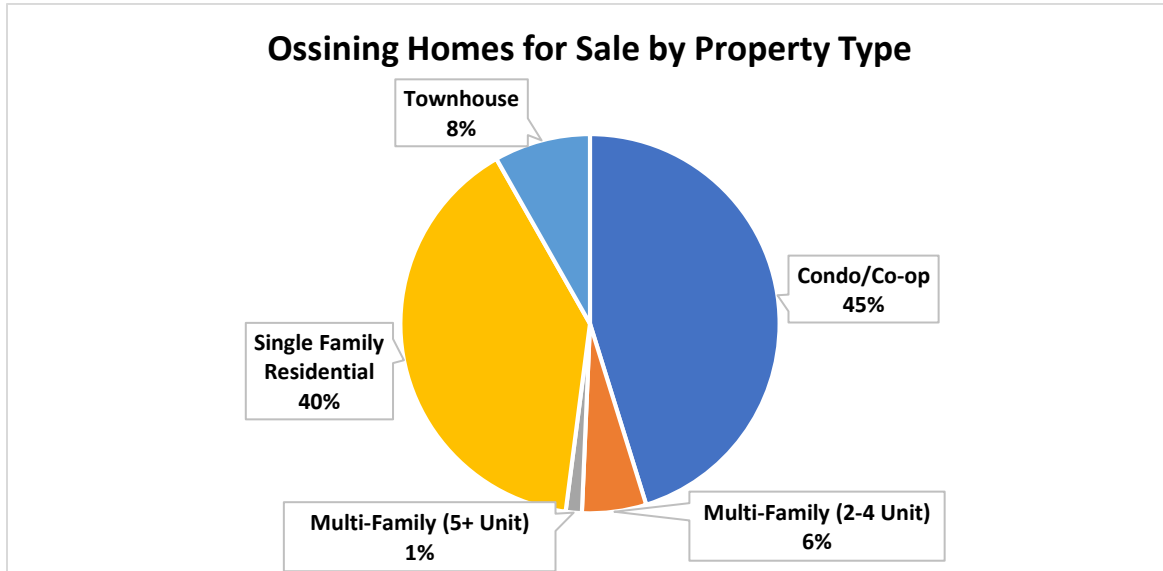
#### Affordable Housing in Ossining

Unfortunately, there is not an official registry of affordable housing units in the Village of Ossining. Moreover, there are many units in Ossining that are not formally designated as “affordable” as a result of a state or federal financing requirement but nonetheless are affordable to lower income households. Based upon data accessible from the Village of Ossining, the number of formally designated affordable housing units is around 900 units including close to 260 units that house holders of Section 8 vouchers. Of the nearly 260 voucher users in Ossining, approximately 60% are black and 33% are Hispanic. The vast majority of heads of households are female at 87.5%. Disabled voucher holders comprise about 31% of all those with vouchers in Ossining and elderly voucher holders are another 24%.

### Owner Occupied Units

#### Types of Homes on the Market

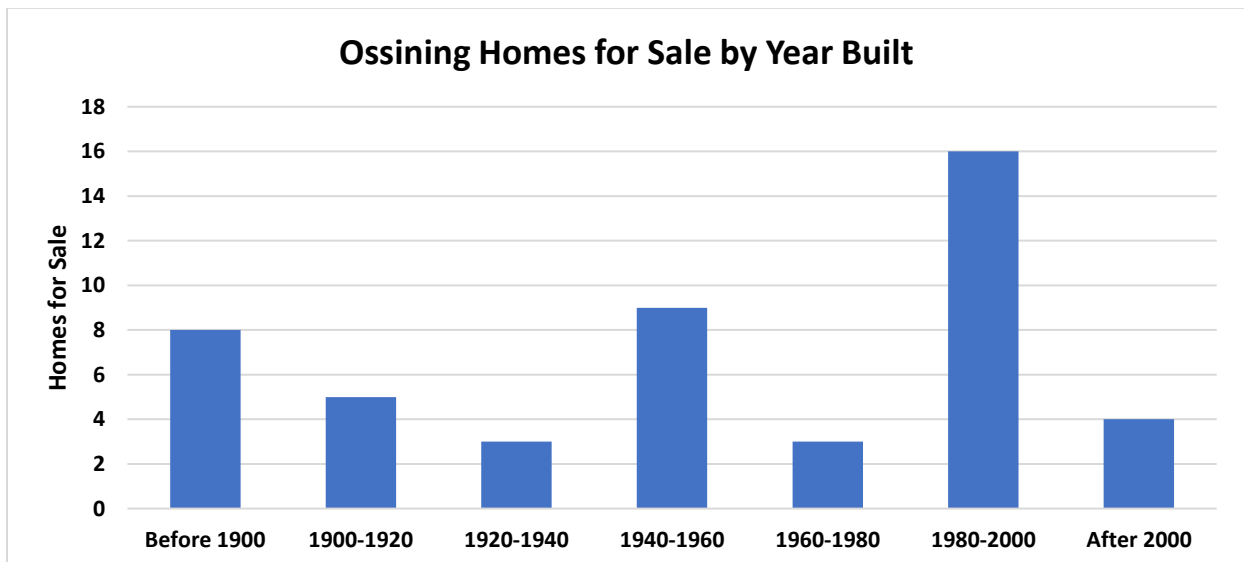
Single-family homes and Condo/Co-ops dominate the market in terms of what is available.



Source: Redfin.com as of 3/9/2017

#### Age of Homes on the Market

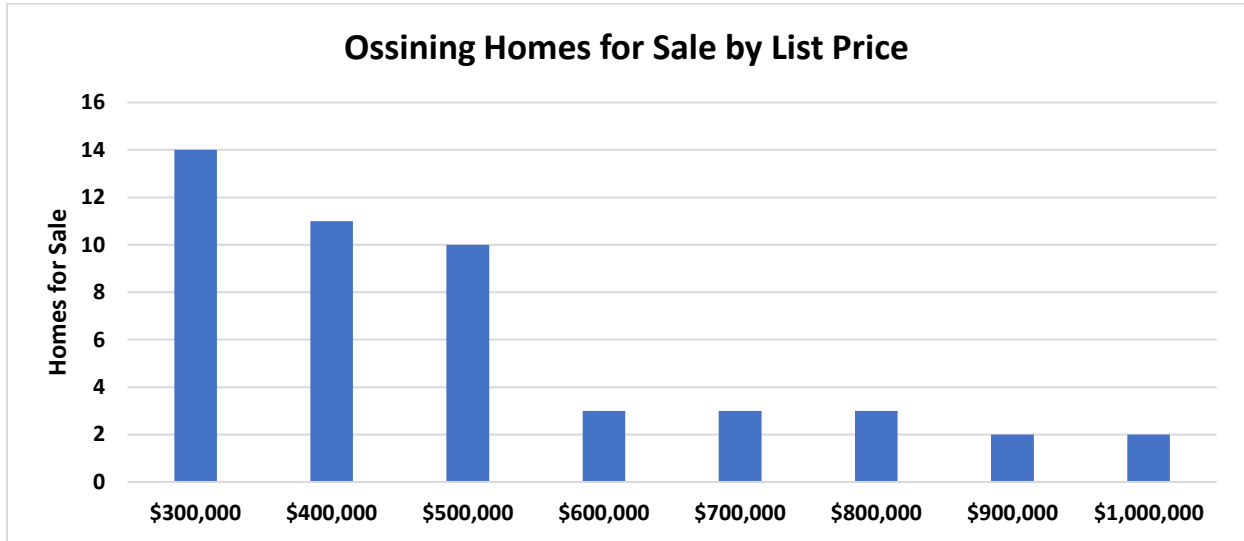
Of the homes that are currently on the market in Ossining, exactly a third were built before 1940 which matches up cleanly with the proportion of homes built before that year. There are a disproportionate number of homes on the market from 1980 to 2000 given how many units were built during that time period.



Source: Redfin.com as of 3/9/2017

### Listing Prices for Owner Occupied Housing

Homes for sale in the Village of Ossining tend to be clustered around the lower end of the market with 65% of homes listed for less than \$500,000 and more than a quarter of homes listed for less than \$300,000. The inventory of homes at the higher end of the market is currently relatively lower.



Source: Redfin.com as of 3/9/2017

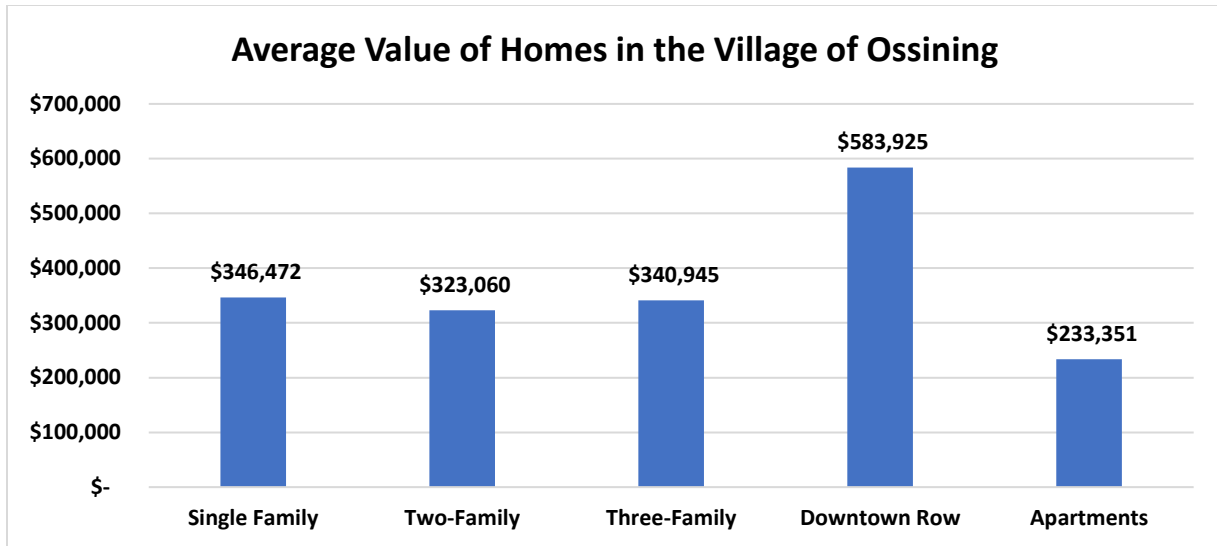
### Home Values

Ossining has a much larger proportion of mid-range homes worth between \$300,000 and \$500,000 and a much smaller proportion of homes worth over \$500,000 than Westchester County as whole. In general, homes are less valuable in the Village of Ossining than the whole County.

Value of Owner-Occupied Housing Units						
Value	Village of Ossining		Town of Ossining		Westchester County	
<b>Total:</b>	<b>3,624</b>		<b>7,359</b>		<b>210,195</b>	
Less Than \$300,000	857	24%	1,171	16%	43,751	21%
\$300,000 to \$499,999	2,132	59%	3,417	46%	59,806	28%
\$500,000 to \$999,999	580	16%	2,400	33%	80,255	38%
1,000,000 or more	55	2%	371	5%	26,383	13%

Source: US Census Bureau, 2011/2015 American Community Survey

The chart below depicts the average values of different types of housing units in the Village of Ossining based on assessment data from the Town’s Assessor. There are some inconsistencies between these figures and the figures given by the U.S. Census Bureau and anecdotal data. Although it is uncertain how or why these inconsistencies exist, it is expected that two- and three-family homes in the Village of Ossining would cost more than single-family homes because the rents commanded by multi-unit buildings have driven up the price of these homes. Possible sources of error that may have caused these discrepancies include differences in the official number of units and the assessed values from the actual number of units and market values.



### Housing Costs

In general, monthly housing costs for homeowners in the Village of Ossining are slightly lower than housing costs for the County as whole. The majority of units with a mortgage are paying more than \$3,000 per month in housing costs.

Selected Monthly Owner Costs for Owner Occupied						
Selected Monthly Owner Costs <sup>2</sup>	Village of Ossining		Town of Ossining		Westchester County	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
<b>Housing units with a mortgage</b>	2,590	2,590	5,115	5,115	139,945	139,945
Less than \$500	0	0.00%	24	0.50%	1,557	1.10%
\$500 to \$999	91	3.50%	123	2.40%	6,744	4.80%
\$1,000 to \$1,499	149	5.80%	206	4.00%	8,562	6.10%
\$1,500 to \$1,999	225	8.70%	353	6.90%	11,501	8.20%
\$2,000 to \$2,499	428	16.50%	652	12.70%	14,425	10.30%
\$2,500 to \$2,999	375	14.50%	711	13.90%	16,984	12.10%
\$3,000 or more	1,322	51.00%	3,046	59.60%	80,172	57.30%
<b>Median (dollars)</b>	<b>3,025</b>	-	<b>3,287</b>	-	<b>3,289</b>	-
<b>Housing units without a mortgage</b>	1,034	1,034	2,244	2,244	70,250	70,250
Less than \$250	19	1.80%	41	1.80%	4,473	6.40%
\$250 to \$399	67	6.50%	76	3.40%	2,311	3.30%
\$400 to \$599	36	3.50%	55	2.50%	4,062	5.80%
\$600 to \$799	127	12.30%	142	6.30%	4,695	6.70%
\$800 to \$999	111	10.70%	153	6.80%	6,646	9.50%
\$1,000 or more	674	65.20%	1,777	79.20%	48,063	68.40%
<b>Median (dollars)</b>	<b>1,214</b>	-	<b>1,447</b>	-	<b>1,362</b>	-

Source: US Census Bureau, 2011/2015 American Community Survey

<sup>2</sup> Selected monthly owner costs are calculated from the sum of payment for mortgages, real estate taxes, various insurances, utilities, fuels, mobile home costs, and condominium fees.

## Rental Units

### Unit Size

In the year 2000, studios and one-bedroom units represented more than half of the rental inventory in the Village of Ossining. Three-bedroom rental units comprised about one-sixth of rental units.

Rental Inventory by Unit Size in 2000			
Location	Studio/1BR	2BR	3BR or more
Village of Ossining	2,007	1,203	646
Town of Ossining	2,219	1,383	735
Westchester County	63,271	43,736	23,071

Source: US Census Bureau, Decennial Census

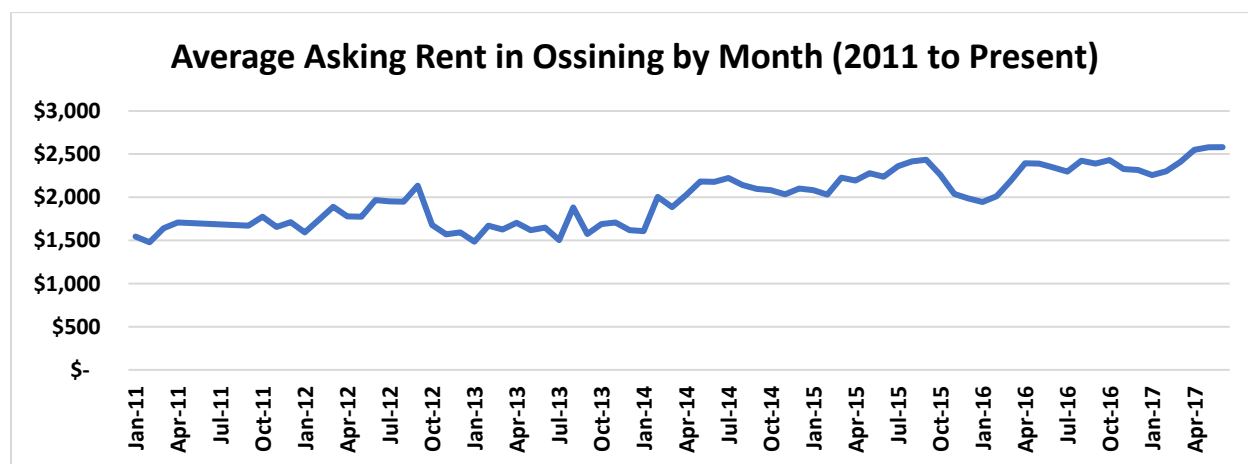
In 2011/2015, it appears as though the number of studios and one-bedroom units decreased while the number of two- and three-bedrooms increased. While the reason for the changes is unknown, it may be possible that one-bedroom units were subdivided.

Rental Inventory by Unit Size 2011/2015			
Location	Studio/1BR	2BR	3BR or more
Village of Ossining	1,657	1,507	916
Town of Ossining	1,918	1,771	972
Westchester County	54,381	44,502	27,919

Source: US Census Bureau, 2011/2015 American Community Survey

### Asking Rents

The chart below depicts the change in average asking rents in Ossining between 2011 and the present. It is important to note that the construction of several luxury developments including Avalon Ossining and Harbor Square have distorted the average asking rents over the last few years and made it appear as though rents for all units are rising very rapidly when that is not case.



Source: Rentjungle.com

At least 36 homes were available for rent in Ossining in March 2017. The average one bedroom was renting for more than \$2,000 and larger units were, on average, more expensive. As noted above, it is important to account for the luxury units at Harbor Square that skew averages upward when examining the inventory of available units.

<b>Rental Inventory</b>			
<b>Property Details</b>	<b>Property Location</b>	<b>Going Rate Per Month</b>	<b>Sq. Ft.</b>
<b>Studio Apartments</b>			
	199 Main St Unit 1	\$1,300	478
<b>1 Bedroom Apartments</b>			
Harbor Square	3 Westerly Road – 613	\$2,495	751
Harbor Square	3 Westerly Road – 506	\$2,595	791
Harbor Square	3 Westerly Road – 728	\$2,595	683
Harbor Square	3 Westerly Road – 634	\$2,750	744
Harbor Square	3 Westerly Road – 731	\$2,795	843
Harbor Square	3 Westerly Road – 624	\$2,795	837
Harbor Square	3 Westerly Road – 601	\$2,850	744
Harbor Square	3 Westerly Road – 621	\$2,895	893
Harbor Square	3 Westerly Road – 719	\$2,995	912
Harbor Square	3 Westerly Road – 722	\$3,295	1,121
Harbor Square	3 Westerly Road – 723	\$3,445	1,054
	32 Main St #3	\$1,800	725
	Hamilton Ave	\$1,400	
	15 Hudson St Apt 5	\$1,500	725
Town home	9 Davids Ln	\$1,850	1,158
	45 Spring St	\$1,500	750
	147 Main St Apt 3D	\$1,650	800
	199 Main St Unit 2	\$1,700	700
	Croton Ave (near Clinton Ave)	\$1,195	
	S Highland Ave (near 284 S Highland)	\$1,600	700
	<b>Average:</b>	<b>\$2,285</b>	<b>830</b>
<b>2 Bedroom Apartments</b>			
Harbor Square	3 Westerly Road – 626	\$3,395	1,115
Harbor Square	3 Westerly Road – 730	\$3,695	1,156
Harbor Square	3 Westerly Road – 603	\$3,795	1,008
Harbor Square	3 Westerly Road – 702	\$3,795	1,008
Harbor Square	3 Westerly Road -- 525	\$4,300	1,448
Harbor Square	3 Westerly Road -- 508	\$4,495	1,253
Harbor Square	3 Westerly Road -- 509	\$4,495	1,253
Hudson Point	26 Hudson Point Ln	\$2,900	1,129
	Liberty Street	\$1,750	
	79 S Highland Ave	\$1,950	950
	27 Forest Ave	\$1,950	1,250
	<b>Average:</b>	<b>\$3,320</b>	<b>1,157</b>
<b>3 Bedroom Apartments</b>			
	Broadway (near Brandeth St)	\$2,400	
	39 Terrace Ave	\$2,300	
	1305 Eagle Bay Dr #1305	\$2,950	2,000
	94 Cedar Ln	\$4,600	2,128
	<b>Average:</b>	<b>\$3,063</b>	<b>2,064</b>

Source: Zillow.com and Trulia.com as of 3/13/17



## Rental Costs

### *Historical Median Monthly Rents*

The median monthly rent in the Village of Ossining is about \$50 higher than the median rent for Westchester County as a whole. Both the Village's and the County's median rents have risen by more than 60% since the year 2000 indicating a 5% increase in rent each year. This increase reflects an average change that is far higher than that of the cost of living which rose 2.4% yearly over the same time period.<sup>3</sup>

Median Monthly Rent			
Location	2000	2011/2015	Percent Change
Village of Ossining	\$850	\$1,418	66.8%
Town of Ossining	\$861	\$1,422	65.2%
Westchester County	\$839	\$1,364	62.6%

Source: US Census Bureau, Decennial Census and 2011/2015 American Community Survey

With the exception of the largest units with five or more bedrooms, the median rent for a unit of any other size is more expensive in Ossining than Westchester County as a whole.

Median Rent by Number of Bedrooms		
Median Rent	Town of Ossining	Westchester County
Overall	\$1,422	\$1,364
No Bedroom	\$1,078	\$993
1 Bedroom	\$1,275	\$1,190
2 Bedrooms	\$1,466	\$1,453
3 Bedrooms	\$1,804	\$1,728
4 Bedrooms	\$2,053	\$1,981
5 or more Bedrooms	\$1,400	\$1,835

Source: US Census Bureau, 2011/2015 American Community Survey

### *Distribution of Rental Levels*

More than half of renters in the Village of Ossining are paying between \$1,250 and \$2,000 per month in rent. Another third of renters pay less than \$1,250 per month in rent.

<sup>3</sup> <https://www.ssa.gov/oact/cola/colaseries.html>

Rent of Renter-Occupied Housing Units						
Rent	Village of Ossining		Town of Ossining		Westchester County	
<b>Total:</b>	<b>4,199</b>	100.0%	<b>4,887</b>	100.0%	<b>131,671</b>	100.0%
With cash rent:	4,080	97.2%	4,661	95.4%	126,802	96.3%
Less than \$500	158	3.8%	246	5.0%	8,862	6.7%
\$500 to \$749	117	2.8%	149	3.0%	7,062	5.4%
\$750 to \$799	78	1.9%	78	1.6%	2,209	1.7%
\$800 to \$899	130	3.1%	137	2.8%	4,879	3.7%
\$900 to \$999	190	4.5%	190	3.9%	6,718	5.1%
\$1,000 to \$1,249	632	15.1%	720	14.7%	22,356	17.0%
\$1,250 to \$1,499	1,097	26.1%	1,181	24.2%	24,782	18.8%
\$1,500 to \$1,999	1,048	25.0%	1,124	23.0%	29,949	22.7%
\$2,000 to \$2,499	520	12.4%	633	13.0%	11,685	8.9%
\$2,500 to \$2,999	91	2.2%	145	3.0%	4,050	3.1%
\$3,000 to \$3,499	14	0.3%	38	0.8%	1,717	1.3%
\$3,500 or more	5	0.1%	20	0.4%	2,533	1.9%
No cash rent	119	2.8%	226	4.6%	4,869	3.7%

Source: US Census Bureau, 2011/2015 American Community Survey

### Cost Burden Analysis

When housing affordability experts examine the impacts that housing costs have on occupants, they typically look at the proportion of income spent on housing costs including rent, mortgages, property taxes, and other housing-related expenses. Occupants spending more than 30% of their incomes on housing costs are considered cost burdened while occupants spending more than 50% of their incomes are considered severely cost burdened. While this is one method of evaluating housing affordability, there are other methods including measuring the residual income left over after housing costs are subtracted.

### Comparisons of Cost Burden for Renters vs Homeowners

A slightly greater proportion of renters and homeowners are cost burdened in the Village of Ossining than Westchester County. In both geographies, more renters are cost burdened than homeowners.

Households with Cost Burdens				
Location	Renters with Cost Burden		Homeowners with Cost Burden	
Village of Ossining	2,414	59.5%	1,669	46.1%
Town of Ossining	2,709	58.4%	3,167	43.0%
Westchester County	69,401	55.9%	78,204	37.2%

Source: US Census Bureau, 2011/2015 American Community Survey

The percentage of renters with severe cost burdens in the Village of Ossining is similar to the proportion in Westchester County. In the Village, the proportion of severely cost burdened renters is 50% higher than the proportion of severely cost burdened homeowners.

Households with Severe Cost Burdens				
Location	Renters with Severe Cost Burden		Homeowners with Severe Cost Burden	
Village of Ossining	1,417	33.8%	823	22.7%

Town of Ossining	1,611	33.0%	1,530	20.8%
Westchester County	38,235	29.0%	36,400	17.3%

Source: US Census Bureau, 2011/2015 American Community Survey

The proportion of renters in the Village of Ossining with low cost burdens (under 20%) is lower than the proportion of those with low cost burdens in Westchester County.

Rent as a Percentage of Income for Renting Households						
Percent of Income Spent on Rent	Village of Ossining		Town of Ossining		Westchester County	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total Units	4,058	-	4,639	-	124,300	-
Less than 15.0 percent	376	9.3%	469	10.1%	14,979	12.1%
15.0 to 19.9 percent	382	9.4%	433	9.3%	13,209	10.6%
20.0 to 24.9 percent	414	10.2%	502	10.8%	13,762	11.1%
25.0 to 29.9 percent	472	11.6%	526	11.3%	12,949	10.4%
30.0 to 34.9 percent	222	5.5%	260	5.6%	11,252	9.1%
35.0 percent or more	2,192	54.0%	2,449	52.8%	58,149	46.8%

Source: US Census Bureau, 2011/2015 American Community Survey

### Cost Burden by Income Level

The table below explains how different income groups face challenges pertaining to housing costs. In the Village of Ossining, 100% of homeowners and 91% of renters making less than \$20,000 per year are cost burdened (spending more than 30% of their incomes on housing). As income increases, the burdens of housing costs generally decrease as a proportion of income. In the Village of Ossining, only 27% of homeowners and 11% of renters earning more than \$75,000 per year are cost burdened. While renter housing costs in the Village are a slightly higher percentage of income than those in the County, the costs on lower- and middle-income homeowners in the Village are much higher than those in the County at large. The information in the table shows how lower income households struggle more with housing cost burdens regardless of whether they own their home or they are renting.

Housing Costs by Income by Tenure						
	Village of Ossining		Town of Ossining		Westchester County	
	Estimate	Percent	Estimate	Percent	Estimate	Percent
Total Units:	7,823		12,246		341,866	
<b>Owner-occupied housing units:</b>	<b>3,624</b>		<b>7,359</b>		<b>210,195</b>	
Less than \$20,000:	155		309		10,048	
30 percent or more	155	100%	309	100%	9,136	91%
\$20,000 to \$34,999:	171		376		12,991	
30 percent or more	129	75%	325	86%	10,271	79%
\$35,000 to \$49,999:	408		562		13,851	
30 percent or more	345	85%	479	85%	9,743	70%
\$50,000 to \$74,999:	656		982		24,081	
30 percent or more	439	67%	719	73%	13,354	55%
\$75,000 or more:	2,234		5,113		147,960	
30 percent or more	601	27%	1,335	26%	35,700	24%
Zero or negative income	0		17		1,264	
<b>Renter-occupied housing units:</b>	<b>4,199</b>		<b>4,887</b>		<b>131,671</b>	
Less than \$20,000:	827		912		26,090	
30 percent or more	752	91%	837	92%	23,591	90%
\$20,000 to \$34,999:	809		897		22,442	
30 percent or more	710	88%	777	87%	20,288	90%
\$35,000 to \$49,999:	606		693		17,095	
30 percent or more	511	84%	589	85%	12,972	76%
\$50,000 to \$74,999:	801		901		21,863	
30 percent or more	326	41%	359	40%	9,490	43%
\$75,000 or more:	1,015		1,236		36,810	
30 percent or more	115	11%	147	12%	3,060	8%
Zero or negative income	22		22		2,502	
No cash rent	119		226		4,869	

Source: US Census Bureau, 2011/2015 American Community Survey

According to the Urban Institute's Research Report on The Housing Affordability Gap for Extremely Low-Income Renters in 2014, Westchester County is ranked 10<sup>th</sup> in terms of the proportion of units suitable for the extremely low-income population to the size of that population. Westchester County also ranked 12<sup>th</sup> in the nation in terms of improvement in that measure between 2000 and 2014.

## Housing Conditions

### Vacancy Levels

As shown in the table below, the most recently available census data indicates the overall vacancy rate in the Village of Ossining for all housing units is 7% compared to an 8% vacancy rate for the County as a whole.

Vacancy and Occupancy for All Units						
	Village of Ossining		Town of Ossining		Westchester County	
	Number	Percent	Number	Percent	Number	Percent
Total Units:	8,406		13,015		370,032	
Occupied	7,823	93%	12,246	94%	341,866	92%
Vacant	583	7%	769	6%	28,166	8%

Source: US Census Bureau, 2011/2015 American Community Survey

In the Village of Ossining, approximately one-third of vacant units are for rent while another quarter are for sale or for seasonal use.

Status of Vacant Units			
	Village of Ossining	Town of Ossining	Westchester County
Total:	583	769	28,166
For rent	225	225	9,201
Rented, not occupied	0	0	1,577
For sale only	76	104	4,065
Sold, not occupied	0	0	1,642
For seasonal, recreational, or occasional use	86	155	4,130
Other vacant	196	285	7,525

Source: US Census Bureau, 2011/2015 American Community Survey

The table below offers a finer grain analysis of vacancy levels within the Village of Ossining by distinguishing the vacancy rates for rental units vs owner-occupied apartments for the Village of Ossining, the downtown section of Ossining, and the areas outside of the downtown area. These figures exclude seasonal, occasional use, and other vacancies from the calculations of vacancy.

Vacancy Rates by Area and Tenure			
Location	Total	Owner-Occupied	Renter-Occupied
Village of Ossining	7.18% (583 units)	2.05% (76 units)	5.09% (225 units)
Downtown	7.01% (75 units)	6.84% (16 units)	4.99% (38 units)
Outside Downtown	7.44% (508 units)	1.77% (60 units)	5.44% (187 units)

Source: US Census Bureau, 2011/2015 American Community Survey

In September 2016, a housing vacancy study was completed for all multifamily units in buildings with six units or more constructed before 1974. The Multifamily Vacancy Study, conducted by Community Housing Innovations, concluded that the vacancy rate for this subset of units is approximately 3.09% based on a sample of 97% of all units in that universe.<sup>4</sup>

### Occupancy Levels

The Village is home to 108 renter-occupied units with more than two Occupants Per Room. This figure represents 8.6% of all units in the County with more than two Occupants Per Room while the Village

<sup>4</sup> As discussed in *Housing Ossining Technical Paper #4 Policy Framework*, there is not a restriction against using a subset of the total housing stock to calculate a locality's vacancy rate for the purpose of determining the locality's ability to adopt a rent stabilization program.

only contains 2.3% of the County’s housing units suggesting that Ossining is home to a disproportionate number of overcrowded homes. These numbers are primarily visible in the Village’s rental units, but even owner-occupied units have a greater proportion of moderate overcrowding than the County as a whole.

Occupants Per Room for All Households								
	Village of Ossining		Rest of Ossining		Town of Ossining		Westchester County	
Total Units:	Number	Percent	Number	Percent	Number	Percent	Number	Percent
<b>Owner occupied:</b>	<b>3,624</b>		<b>3,735</b>		<b>7,359</b>		<b>210,195</b>	
0.50 or less	2,654	73.2%	3,021	80.9%	5,675	77.1%	161,006	76.6%
0.51 to 1.00	854	23.6%	699	18.7%	1,553	21.1%	46,556	22.1%
1.01 to 1.50	95	2.6%	15	0.4%	110	1.5%	2,078	1.0%
1.51 to 2.00	21	0.6%	0	0.0%	21	0.3%	320	0.2%
2.01 or more	0	0.0%	0	0.0%	0	0.0%	235	0.1%
<b>Renter occupied:</b>	<b>4,199</b>		<b>688</b>		<b>4,887</b>		<b>131,671</b>	
0.50 or less	1,468	35.0%	421	61.2%	1,889	38.7%	64,748	49.2%
0.51 to 1.00	1,848	44.0%	251	36.5%	2,099	43.0%	55,359	42.0%
1.01 to 1.50	631	15.0%	6	0.9%	637	13.0%	7,555	5.7%
1.51 to 2.00	144	3.4%	10	1.5%	154	3.2%	2,987	2.3%
2.01 or more	108	2.6%	0	0.0%	108	2.2%	1,022	0.8%

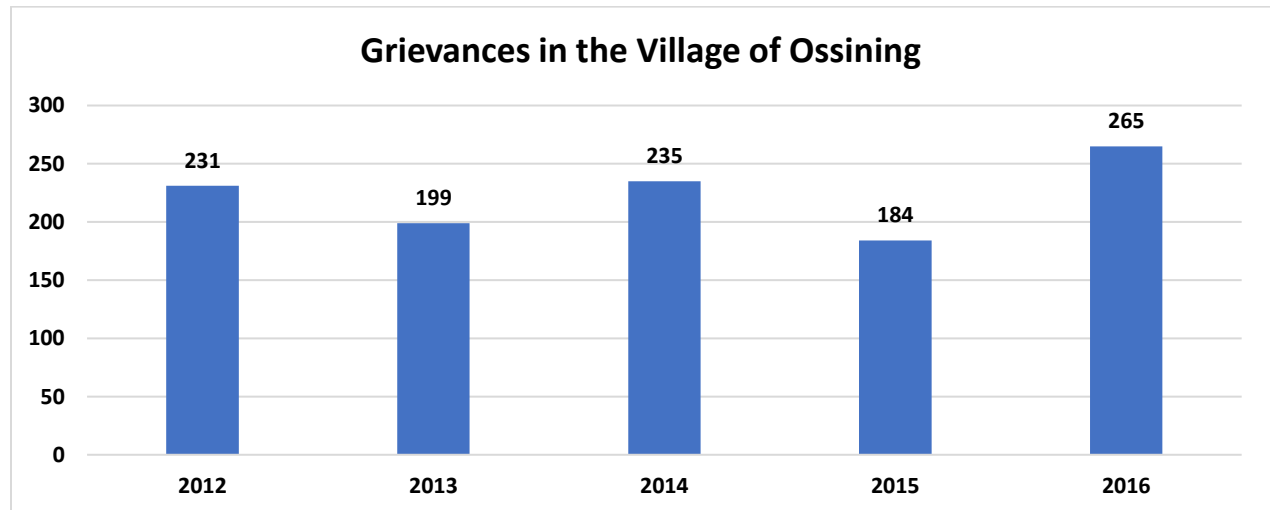
Source: US Census Bureau, 2011/2015 American Community Survey

### Foreclosed Homes

According to national real estate sales websites, as of May 2017, there are 25 foreclosed homes in the Village of Ossining. The vast majority of these homes have three bedrooms or more.

### Tax Certs and Grievances

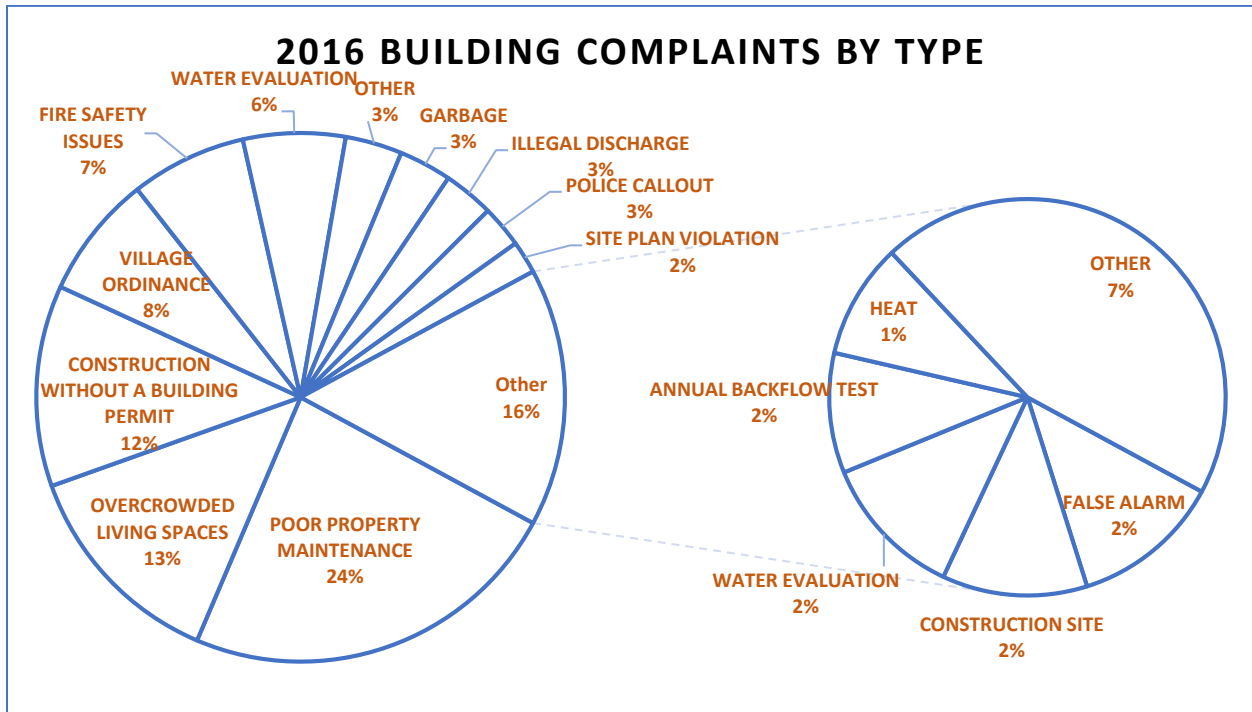
Although the number of tax grievances in the Village of Ossining fluctuates from year to year, the total number of grievances is relatively high given the number of housing units in the village. It is unclear what proportion of these grievances come from commercial properties versus residential ones.



Source: Town of Ossining

### 2016 Building Complaints by Type

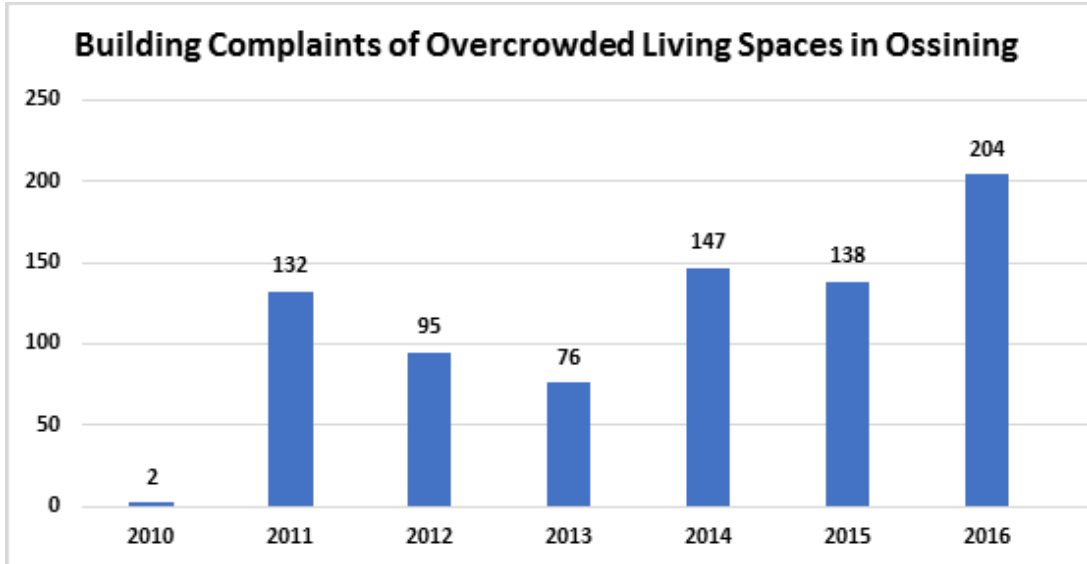
As visible in the chart below, the most common building complaints in the Village of Ossining are poor property maintenance, overcrowded living spaces, and construction without a building permit which collectively comprise about half of the building complaints made in the Village.



Source: Town of Ossining

### Overcrowded Living Spaces Complaints

The chart below displays how complaints of overcrowded living spaces in the Village of Ossining have increased since 2010. Prior to 2011, there were very few complaints pertaining to overcrowded living spaces. It is not clear whether overcrowded living spaces were not a significant issue until 2011, or whether there was a change in the collection or categorization of building complaint data. In 2016, overcrowded living conditions represented 13% of all building complaints.



Source: Village of Ossining



## SECTION 4: LOCAL ECONOMIC CONDITIONS

This section addresses the Village's economic conditions including its employment base and fiscal position.

### Employment Base

More than half of those working in Ossining work in Public Administration, Health Care and Social Assistance, Administration, or Educational Services.

Jobs in Ossining by Sector		
Location	Number of Workers	Percent of Workers
Public Administration	1,152	20.7%
Health Care and Social Assistance	846	15.2%
Administration & Support, Waste Management and Remediation	652	11.7%
Educational Services	618	11.1%
Other Services (excluding Public Administration)	552	9.9%
Construction	335	6.0%
Retail Trade	327	5.9%
Professional, Scientific, and Technical Services	241	4.3%
Accommodation and Food Services	227	4.1%
Manufacturing	146	2.6%
Information	109	2.0%
Finance and Insurance	86	1.5%
Wholesale Trade	85	1.5%
Real Estate and Rental and Leasing	78	1.4%
Management of Companies and Enterprises	70	1.3%

Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics – Origin Destination Employment Statistics

### Labor Supply

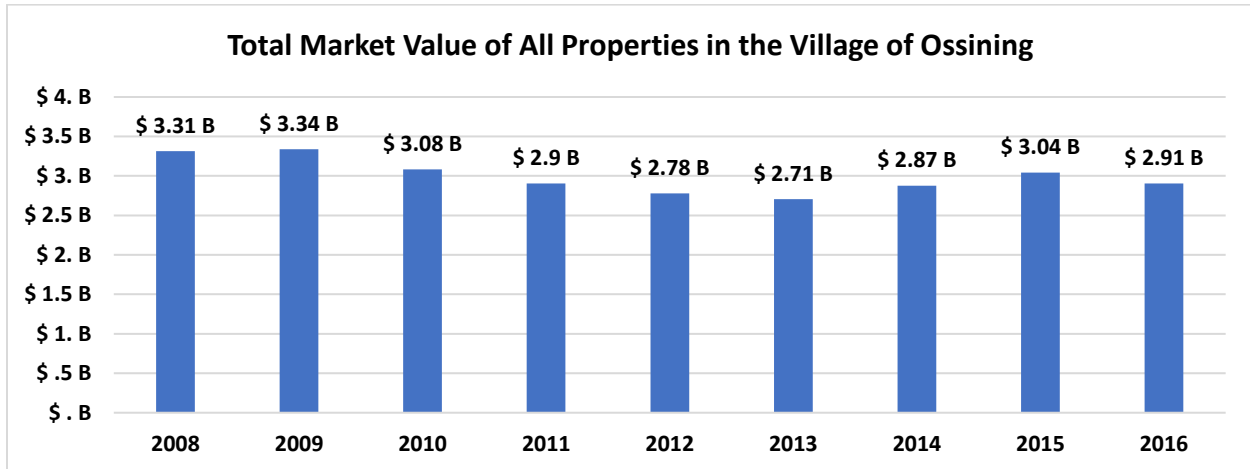
The place from which the most residents commute to the Village of Ossining is Ossining itself. The next largest source of workers is New York City (primarily outer boroughs) from which 15% of workers commute. Most other significant places from which workers commute are local to Westchester.

Where Those Working in Ossining Live		
Location	Number of Workers	Percent of Workers
Ossining town (Westchester, NY)	1,154	20.7%
Ossining village, NY	943	16.9%
New York city, NY	835	15.0%
Bronx borough (Bronx, NY)	265	4.8%
Brooklyn borough (Kings, NY)	244	4.4%
Queens borough (Queens, NY)	168	3.0%
Yonkers city, NY	176	3.2%
Greenburgh town (Westchester, NY)	175	3.1%
Peekskill city, NY	170	3.1%
Yorktown town (Westchester, NY)	146	2.6%
Mount Pleasant town (Westchester, NY)	143	2.6%
White Plains city, NY	93	1.7%
Croton-on-Hudson village, NY	87	1.6%
Briarcliff Manor village, NY	66	1.2%

Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics – Origin Destination Employment Statistics

### Tax Base

The chart below displays how the total market value of ratables has changed since the recession. The market value of all properties in the village has gone down and not yet recovered to pre-recession levels.



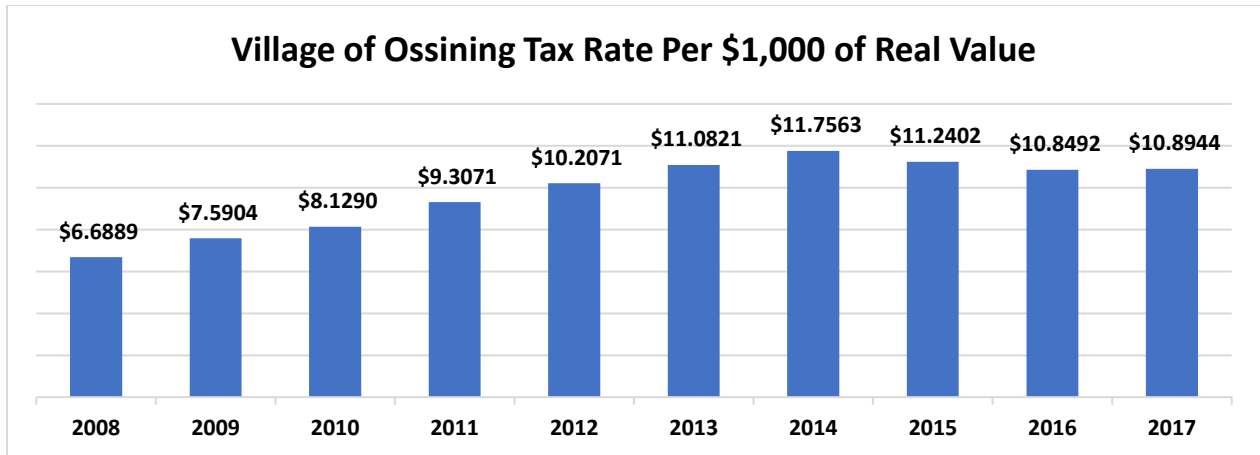
Source: Town of Ossining

### Tax Rates

Because a common concern among residents and driver of affordability concerns in the Village of Ossining is high and increasing property taxes, it is necessary to examine how taxes have changed. Because the Village of Ossining used a variable equalization rate around 5% to 6% from 2008 to 2016 (the equalization rate was changed to 100% in 2017), it was necessary to recalculate the tax rate to be consistent across equalization rates. Using an equalization rate of 100% reflects an assessed value that is equal to market value. The tax rates displayed in this section are all put in terms of an equalization rate of 100%.

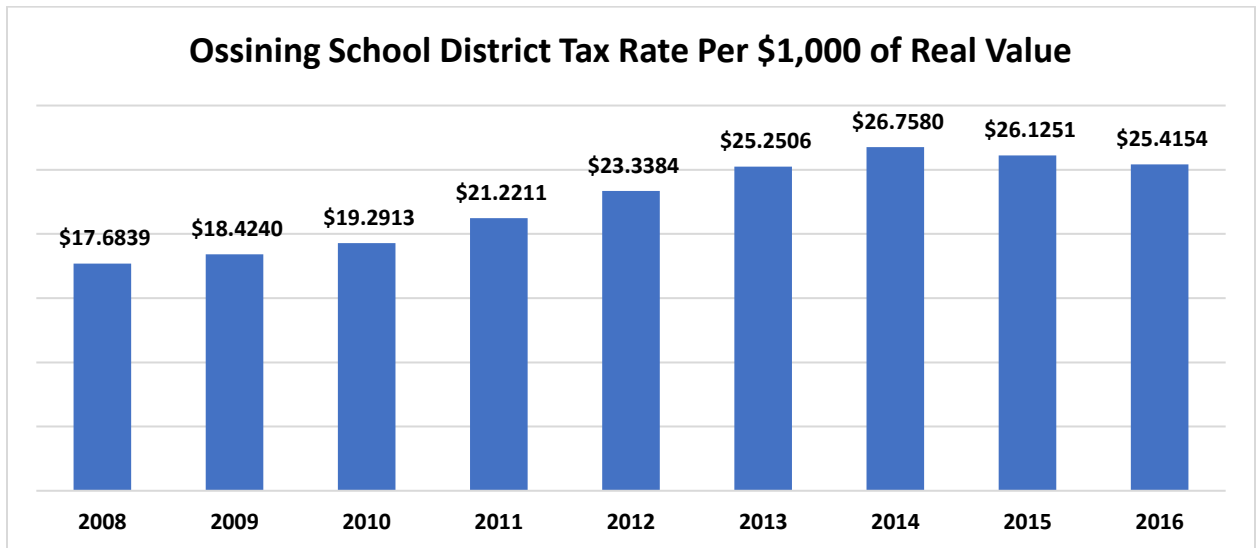
Municipalities like the Village of Ossining tend to adjust their property tax rate based on the amount of funding needed for all the expenditures in the next fiscal year. A rising tax rate indicates that the cost of expenditures is rising faster than property values.

The Village of Ossining’s general tax rate per \$1,000 of real value increased by \$5, or 75%, between 2008 and 2014. The likely reason for the rising tax rate is the decline in property values following the housing market crash during the Great Recession. After 2014, the tax rate decreased slightly, but is still well above the tax rate of the mid- to late-2000s.



Source: Village of Ossining

School taxes have increased in a similar manner to Village taxes with a peak rate in 2014 and slight decrease afterwards, but school taxes increased at a much lower rate than Village taxes. In 2008, school taxes were nearly triple the rate of Village taxes, but in 2016, they were about 2.5 times the Village rate.



Source: Town of Ossining

### Tax Revenue

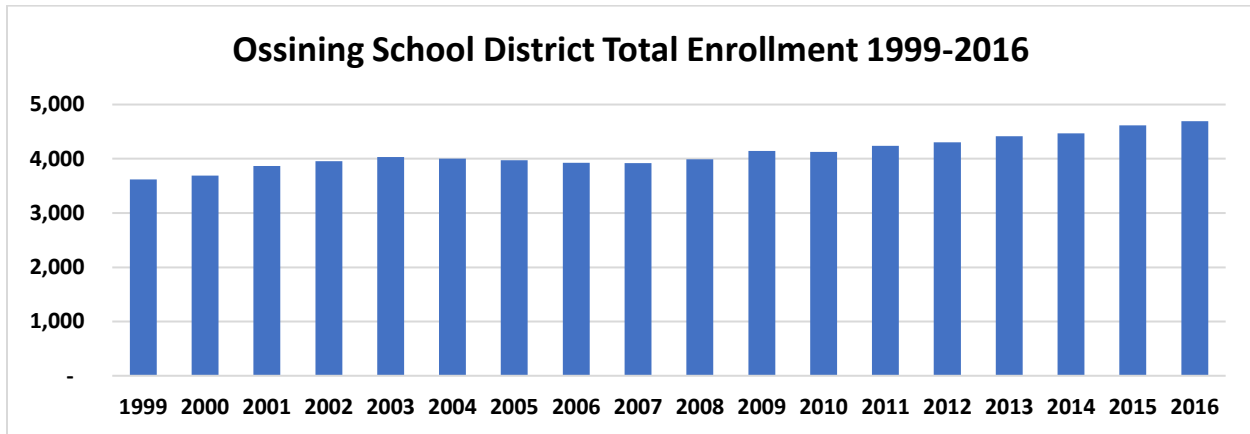
According to the Village of Ossining’s 2017 Tentative Budget, the Village expects to receive \$21.9 million in tax property tax revenue. The chart above represents expected tax revenues based on 2016 assessed property values adding up to \$21.8 million. The majority of the Village of Ossining’s tax revenue comes from residential properties with commercial properties comprising nearly a third of tax revenue as well. It is important to note, however, that commercial properties include apartments and downtown row homes which are residential in nature despite their property classification codes. If apartments and downtown row buildings are considered residential properties, residential properties would provide 83.6% of the Village’s tax revenue. All other property class types including public services, vacant land and industrial provide a relatively minimal proportion of the Village’s tax revenue.

## SECTION 5: OSSINING SCHOOL DISTRICT CONDITIONS

The majority of local property taxes go toward school taxes which fund the Ossining School District. There is a common concern that the Ossining School District is overburdened with students and cannot physically accommodate increasing enrollment should more families move to the area.

### Student Enrollment and Characteristics

Enrollment in the Ossining School District has increased by more than 1,000 students, or 30%, between 1999 and 2016.



Source: New York State Department of Education

The majority of students (56%) attending Ossining Schools are Hispanic or Latino. The next most common ethnicities of students attending Ossining Schools are White (25%) and African American (12%).

Ossining School District Enrollment by Ethnicity		
Ethnicity	Number	Percent
Total	4,693	
American Indian	1	0%
Black or African American	557	12%
Hispanic or Latino	2,625	56%
Asian or Pacific Islander	216	5%
White	1,165	25%
Multiracial	129	3%

Source: New York State Department of Education

A significant portion of students attending Ossining Schools face many obstacles that hamper their ability to receive an education. Approximately 10% of the school district’s students are not native English speakers and another 12% are students with disabilities. These students may require special instruction or resources as part of their education. In addition, nearly 60% of students in the school district come from economically disadvantaged families, most of whom qualify for free or reduced lunch.

# HOUSING OSSINING TECHNICAL PAPER #2

## Regulatory Assessment



**Submitted to the Village of Ossining**

**August 30<sup>th</sup>, 2017**



**Kevin Dwarka LLC**  
Land Use & Economic Consulting

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## INTRODUCTION

In February 2017, the Village of Ossining commenced *Housing Ossining*, a six-month multidisciplinary study focused on the identification of housing policies that would best meet the diverse housing needs of present and future residents. Kevin Dwarka LLC, a New York City based land use and economic consulting firm, was engaged to analyze the village's housing needs, review best practices and formulate a broad set of housing policy strategies. Formulated with the help of extensive community input, the study culminated with the completion of four technical papers:

- Technical Paper #1: Quantitative Analysis
- Technical Paper #2: Regulatory Assessment
- Technical Paper #3: Community Engagement Record
- Technical Paper #4: Policy Framework

This document serves as the second technical paper focused on the assessment of the Village's local regulations. Although the regulations of the Town of Ossining, New York State, and the federal government were also studied, this paper focuses specifically on the regulatory environment of the Village of Ossining. Section 1 synthesizes relevant plans with an emphasis on the Comprehensive Plan. Section 2 summarizes the Village's policies with regard to overnight parking, housing, land use approval, and code enforcement. Finally, Section 3 offers an exhaustive analysis of the Village's zoning code including the various incentives, requirements, and barriers affecting the provision, spatial distribution, and density of housing within the Village.

## SECTION 1: VILLAGE PLANS

### Village of Ossining Comprehensive Plan (2009)

The Village of Ossining adopted an update to their comprehensive plan in 2009. The comprehensive plan was the product of a multi-year public engagement effort, including public meetings, stakeholder interviews, and a housing survey in 2005 that collected information from over 1,400 respondents. The plan was divided into six topic areas: The Waterfront, The Downtown Crescent and Economic Development, Transportation, Sustainable Infrastructure, Affordable Housing, and Neighborhood Quality of Life. The objectives and implementation recommendations of the entire plan were reviewed with an eye towards how the planning framework would specifically affect housing development, preservation, and maintenance within the community. Through this review, seven themes emerged as the way in which the comprehensive plan specifically dictates the state and affordability of housing within the village: density, infill development and adaptive reuse, mixed-use development, affordability measures, overcrowding, design regulations, and household income.

### Density

The regulation of density allows a locality to concentrate services and maximize land values with increased density, while restricting density in other areas to protect natural habitats and neighborhood character. In regards to affordable housing supply, the designated residential density of an area significantly impacts the typology and number of housing units that can be built. Accordingly, the Village of Ossining's Comprehensive Plan contains recommendations for both increased and restricted density in particular areas.



The comprehensive plan specifically recommends restricting land use density in two areas within the village. First, the Conservation Development District (“CDD”), which sits in the northern portion of the village in between Route 9 and the waterfront, is singled out as a zone suitable for lower densities than the rest of the waterfront in order to preserve the unique natural environment of the area such as wetlands, steep slopes, the Old Croton Aqueduct and trail, and unique natural habitats. Largely as a precaution for resident safety, the comprehensive plan also discourages increased density in the village’s floodplains.

It is worth noting that although the Village has a significant portion of land designated for single-family residential, which inherently maintains lower residential densities, the preservation of these districts is not explicitly addressed in the comprehensive plan. The only exception is the discussion of the existence of illegal conversions of single-family homes into two-family and multi-family residences, and the resulting overcrowding and perceived nuisances which negatively affect the neighborhood quality of life.

On the other hand, increased residential densities are explicitly encouraged within the waterfront area and surrounding the Ossining Train Station. In the waterfront area, the comprehensive plan recommends an allowance of higher densities on identified brownfield redevelopment sites to make these parcels more viable for redevelopment by offsetting the high cost of remediation. In addition to brownfield sites, allowances for greater density are advised on large parcels in the proposed Northern Waterfront District (PW-a) and Central Waterfront Hillside District (PW-c) as a means of incentivizing the provision of public amenities in exchange for higher density. The third proposed waterfront sub district, Central Waterfront Transit Oriented District (PW-b), is suggested as a prime location for increased density and reduced parking requirements to facilitate walkable mixed use development around the train station.

In addition to permitting new higher density development along the waterfront and surrounding the Ossining Train Station, the comprehensive plan also recognizes a disconnect between permitted density in the downtown area, according to the existing zoning code, and what actually exists. At the time that the comprehensive plan was being written, the existing zoning did not allow for the construction of buildings with density and bulk consistent with buildings already existing in the downtown. Instead, variances had to be applied to almost every proposed development so that the character and scale of new buildings harmonized with existing ones. The plan therefore advocates for a review of existing zoning in the downtown, and appropriate changes to increase density where appropriate to minimize the necessity of zoning variances and resulting administrative overhead. The proposed Village Center District, discussed in further detail later in this chapter, was adopted to address this issue by increasing the allowable maximum building height and reducing setbacks. It was also recommended by the comprehensive plan that density bonuses be allotted for specific developments that further the vision and objectives of the plan, such as adaptive reuse and the supply of affordable housing.

### **Infill Development & Adaptive Reuse**

The Village of Ossining Comprehensive Plan states plainly, within its “Village Overview” chapter, that Ossining is essentially fully developed, apart from “obsolescent uses and infill sites.” These vacant and/or underutilized sites, concentrated largely within the downtown area and waterfront district, represent the best opportunities for future housing development and redevelopment. As such, the comprehensive plan makes specific recommendations for how the Village should go about maximizing the opportunity of these sites, while maintaining a vibrant and cohesive community environment.

The comprehensive plan identified the waterfront district as an asset within the community that is specifically ripe for both adaptive reuse and new infill development on underutilized parcels. Objective 6 within the waterfront chapter notes the community's desire to preserve historical buildings along the waterfront. The allotment of a density bonus in exchange for the protection and reuse of historic buildings is recommended as one incentive that can be adopted within the Village's zoning regulations. The plan highlights the redevelopment of the Vireum property, which was converted into a new condominium building, as a prime example of how the village's historical character can be maintained while simultaneously adding to the community's housing supply.

Also within the waterfront area, the Station Plaza North (SP-n) District across from the train station, is also designated as a prime location in which a specific scale of infill development should be encouraged. The plan establishes a preference for infill development in this area to occur on small parcels, rather than large-scale development via land assemblage, to ensure that the area remains pedestrian-friendly at a smaller, human scale.

Finally, with the objective of enhancing the character of the downtown, Market Square and parking lots at the intersection of Spring and Main street are identified as suitable locations for new infill development (Chapter 4, Strategy 3.3). Infill development on these specific parcels should be encouraged in order to establish a continuous streetscape composed of ground floor commercial retail development with residential or office uses on the upper floors.

#### Mixed Use

In Chapter 4, the Downtown Crescent & Economic Development, Objective 2 - Strategy 2.9 (Promote Mixed Use) recommends that the Village Board "adjust the zoning code to encourage residential as conditional use" in the downtown. While encouraging mixed-use, Objective 6 aims to ensure that this development is optimally designed to create a pedestrian friendly environment. For example, the comprehensive plan proposes the addition of a Village Center District (VC), that would be created with the intention "providing opportunities for upstairs residences or offices in the downtown so as to encourage street life" throughout the day.

#### Affordability

Due to the Village's pressing need for affordable housing<sup>1</sup>, the Ossining Comprehensive Plan designates an entire chapter to the affordable housing issue. The vision of Chapter 7, affordable housing, is to protect Ossining's social diversity by providing housing opportunities for young families, long-time residents, people employed within the Village and seniors. The plan approaches the issue of affordable housing supply through two mechanisms: regulated affordability and the diversification of housing typologies. Objectives include preserving and upgrading existing housing, incentivizing the creation new affordable housing, establishing the administrative capacity to properly manage and monitor affordable units, and establishing an affordable housing fund. The chapter specifically recommends the addition of a "sizable number of affordable housing units" and identifies support for the Village's Affordable Housing Policy adopted in April 2006 as one means of achieving this objective.

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<sup>1</sup> Ossining's need for affordable housing was calculated using four estimations: the number of overcrowded units; the number of substandard units; the number of households on the affordable housing waiting list; and the number of affordable units set to expire between 2006 and 2011

Within the objective of creating new affordable housing (Chapter 7 Objective 2), the comprehensive plan recommends that any adopted housing legislation establish a preference for on-site development of affordable housing, particularly for multi-family housing or large-scale, single-family developments with ten or more units. To incentivize the provision of regulated affordable units for households of lower incomes than mandated, the comprehensive plan also recommends the allocation of additional density bonuses for developments that include units affordable to households of lower incomes, such as 60% AMI. Additionally, Strategy 2.3 aims to encourage new affordable housing development by taking into account the limited sales values of affordable developments and having the assessor assess the property accordingly.

The comprehensive plan also aims to ease the affordable housing issue by simply increasing the supply of housing within the Village. The downtown and economic development chapter proposes the addition of two new downtown zoning districts, Neighborhood Center Districts (NC-1 and NC-2), in order to “provide a diverse range of housing types within neighborhood centers while retaining businesses as the main use in NC districts.”

Objective 5 within the affordable housing chapter notes that the Westchester Housing Allocation only identifies areas with “jobs and bus transportation” as areas that should be targeted for affordable development. The Village’s Comprehensive Plan notes that Metro-North stations should also be identified as a target area.

### Overcrowding

Approximately 1,000 of Ossining’s roughly 8,250 occupied housing units (according to Census 2000) were overcrowded – representing a significant 12 percent of all units. The Building Department issued violations to over 250 separate addresses in 2005 and 2006 for lack of certificates of occupancy, as well as for other violations often associated with overcrowding, such as excessive noise, too many parked vehicles, and maintenance issues.

The narrative within the comprehensive plan singles out one trend as a significant contributor to Ossining’s overcrowding issues - an increase over the last decade in subdivisions of single-family homes to two-family homes and multifamily apartments. During public engagement events, some community members voiced concern that the increase in illegal conversions, and the resulting overcrowding of units, “were furthermore unsanitary and unsightly, lead to Building Code violations, and associated with nuisance crimes like noise, trash and graffiti, as well as inconveniences like parking shortages and congested roadways.” Other participants voiced additional issues with overcrowding, including low quality of life, strain on schools, lower property values due to the secondary effects stated above, and potential displacement of long-time residents since illegal overcrowding generates higher rental income.

The comprehensive plan recognizes that a lack of affordable housing in the community contributes to the occurrence of illegal residential conversions and overcrowding. Strategies for addressing the supply of affordable housing are addressed throughout the plan, but the chapter on Neighborhood Quality of Life specifically contains two objectives that aim to address the issue of overcrowding in residential units through regulatory manner. In working towards an objective to alleviate Ossining’s residential overcrowding problems (Chapter 8, Objective 5), the plan notes that illegal conversions of single- and two-family homes are clear violations of the Zoning & Building Codes, and thus advocates for increased inspections by the building department and an increased fine structure to negatively reinforce the illegal

conversion of housing units. Objective 6 recommends revising residential zone districts to address overcrowding by making all two-family uses conditional, including new homes, within Two-Family Residence Districts (T).

Chapter 7 on affordable housing attempts to visualize the overcrowding issue by mapping the percentage of houses with more than one person by room using 2000 census data. There is no clear pattern shown, but it could be said that there is slightly more crowding, by proxy of persons per room, in the southern portion of the Village. Specifically, the residential neighborhood between Havell Street and Dale Ave north of Route 9, and the residential neighborhood west of Route 9 and north of Main Street both have a high percentage (15%) of households with more than one person living in a single room.

### Design Regulations

Design regulations play a key role in dictating the aesthetic appeal and appropriateness of future development in any community. While important for maintaining the character of a community, too strict design guidelines can also constrain new development through high costs of renovations or expensive design features. For example, the plan recognizes that the WD, MF, and PRD design requirements actually have the effect of encouraging single uses due to excessive setback requirements that are “inconsistent with the mixed-use, pedestrian-oriented form of development appropriate for an active, pedestrian-oriented area.” In order for the Village to successfully encourage infill development and an increased supply of affordable housing, it is important for the Village to strike the right balance in governing design regulations.

In the chapters concerning the downtown and neighborhood quality of life, the comprehensive plan recommends that the Village adopt a set of design guidelines to be used by the Board of Architectural Review. The design guidelines are recommended to ensure that infill development and renovations within the Downtown Ossining Historic District are aesthetically compatible with the overall character of downtown. Clearly defined design guidelines are also heralded in Chapter 4, economic development, as a way to make Ossining a welcoming environment for development by allowing more predictability for applicants and developers in the development approval process. Additionally, the plan states that attractive design of affordable housing is important to ensure that property values of surrounding neighborhoods are not negatively affected.

### Local Income Levels

While the comprehensive plan makes recommendations for mixed-income development (Chapter 7) and transit-oriented development (Chapter 3), as a means of diversifying housing opportunities for a variety of ages and income levels, the plan does not discuss strategies for improving residents’ income as a means of increasing the amount that households are able to spend on housing. Ossining’s median household income of \$52,200 in 2000 was approximately 18 percent less than Westchester County’s median of \$63,600. It was also identified that most households earning less than the median income in Ossining in 2000 were households younger than 35 years old and households older than 65 years old.

The introduction of the plan specifically defines the affordability gap as a “discrepancy between median income and median home price, is due to a variety of factors that come down to the basic fact that increases in household incomes have not kept pace with housing costs.” However, the comprehensive plan only presents strategies for addressing one aspect of the equation, housing supply. Initiatives to

better connect residents with workforce development and fair-wage jobs could serve to further improve the affordability issue in Ossining by improving residents' ability to *afford* housing.

### Market Square and Parking Lot Redevelopment Possibilities Report (2014)

The Market Square Redevelopment Report was the culmination of a multi-year study by a collective consulting team, Downtown Revitalization Group, focused on the redevelopment potential of four underutilized parcels in the Village of Ossining's downtown. At the central intersection of Main Street and Spring Street, the team presented ten redevelopment schemes with the intent of inspiring developer interest and catalyzing downtown revitalization. The schemes present new urbanism design typologies and concepts of public space that are in line with national best practices, as well as financial feasibility assumptions that may be useful metrics for the Village of Ossining when considering mixed use development projects, and the practical levels of affordability associated with such development, in the future. The study also includes zoning analysis and parking assessment.

The existing four sites are largely surface parking with setback structures. Thus, the redevelopment proposal intends to create a vibrant community space shaped by mixed-use development, and townhouse residential with ground floor retail, which would create a continuous street wall and active streetscape. The consulting team worked with the Village on multiple revisions, settling on Scheme 7 and Scheme 10 as the final preferred scenarios. The two final scenarios are very similar except that the development intensity proposed in Scheme 7 is permitted as-of-right by the Village's zoning code, whereas Scheme 10 would require zoning waivers to allow greater density and floor area of development than is currently permitted within the zoning code.

*Table 1. Market Square Proposed Redevelopment Schemes (2014)*

Scheme	Proposed Land Use Plan	Affordability Component	Notes
Scheme 1	<b>Residential:</b> 70,620 sq. ft. (53 Units) <b>Retail:</b> 19,398 sq. ft. <b>Public Space:</b> 14,579 sq. ft. <b>Parking Spaces:</b> 74	5 units	Two five story buildings with basement level parking, connected by a three-story bridge. Townhouses at Market Square.
Scheme 2	<b>Residential:</b> 65,493 sq. ft. (47 Units) <b>Retail:</b> 19,384 sq. ft. <b>Public Space:</b> 22,307 sq. ft. <b>Parking Spaces:</b> 64	5 units	One five-story building with basement level parking, townhouse buildings at Market Square, and restaurant in triangle.
Scheme 3	<b>Residential:</b> 70,620 sq. ft. (53 Units) <b>Retail:</b> 22,406 sq. ft. <b>Public Space:</b> 14,579 sq. ft. <b>Parking Spaces:</b> 74	5 units	One large five-story building with basement level parking Townhouses at Market Square. Close street between block C and D.
Scheme 4	<b>Residential:</b> 99,599 sq. ft. (79 Units) <b>Retail:</b> 19,398 sq. ft. <b>Public Space:</b> 14,579 sq. ft. <b>Parking Spaces:</b> 89	8 units	Five-story buildings with basement level parking connected to ten-story tapered building at triangle via three level bridge. Townhouses at Market Square.
Scheme 5	<b>Residential:</b> 99,599 sq. ft. (75 Units) <b>Retail:</b> 19,398 sq. ft. <b>Public Space:</b> 15,241 sq. ft. With existing Square: 20,876 sq. ft. <b>Parking Spaces:</b> 77	8 units	Two four-story residential buildings, GF retail, with basement parking. Public space at triangle and Market Square.
Scheme 6	<b>Residential:</b> 90,804 sq. ft. (70 Units) <b>Retail:</b> 20,640 sq. ft. <b>Public Space:</b> 22,039 sq. ft. <b>Parking Spaces:</b> 96	7 units	Ten-story building with rooftop and basement parking, townhouse buildings at Market Square, public space at triangle and beneath plaza.
Scheme	<b>Residential:</b> 86,580 sq. ft. (75 Units)	7 units total	Buildings are four stories with

7	<b>Retail:</b> 21,990 sq. ft. <b>Public Space:</b> 22,039 sq. ft. <b>Parking Spaces:</b> 62	3 one-bedroom units, and 2 two- and three-bedrooms affordable at 80%AMI.	basements and below grade parking.
Scheme 8	<b>Residential:</b> 92,225 sq. ft. (71 Units) <b>Retail:</b> 29,752 sq. ft. <b>Public Space:</b> 16,626 sq. ft. <b>Parking Spaces:</b> 84	7 units	Buildings are five and seven stories tall, with below grade parking under two development lots and public cultural space underneath the plaza.
Scheme 9	Schematic drawing only. Buildout analysis not completed in report.		
Scheme 10	<b>Residential:</b> 101,921 sq. ft. (84 Units) <b>Retail:</b> 23,355 sq. ft. <b>Public Space:</b> 16,626 sq. ft. <b>Parking Spaces:</b> 83	8 units total 4 one-bedroom units, 3 two-bedroom units, and 2 three-bedroom unit at 80%AMI	Buildings are five and seven stories tall, tapered to allow light and air into intersection, with below grade parking under two development lots as well as public space.

### Local Waterfront Revitalization Program (LWRP), (Amended, 2011)

The Village’s LWRP provides guidance and regulation on the preservation and development of the village’s three-mile riverfront west of Route 9. Within the four major issues identified at the beginning of the LWRP, increased housing construction is cited as a major contributing factor to overcrowding in railroad parking lots and local road congestion. Secondly, the LWRP highlights the redevelopment of the waterfront into a mixed-use district, inclusive of open space and affordable housing, as the fourth major issue facing the community.

The Village’s Environmental Advisory Council (EAC) is charged with administering the LWRP to ensure protection of coastal habitat areas and to guide future development in the waterfront area so that environmental concerns are taken into account. The EAC is also designated as an interested agency for the review of Environmental Impact Statements under State Environmental Quality Review Act (SEQRA) regulations.

### Village of Ossining Architectural Design Guidelines (2011)

The Village of Ossining Architectural Design Guidelines document was published in 2011 as a tool for local officials and developers to use as a framework when planning projects within the Village of Ossining’s Historic downtown. The document notes that the Village’s Downtown Historic District is largely compiled of two to four story masonry structures of the late 19<sup>th</sup> Century, with ground floor commercial and housing on the upper floors. While discussion within the guidelines focuses largely on existing structure facades, placement, and ornamentation, only minor references are made to the existing and desired uses within these buildings in the historic district.

Discussion of the neighborhoods adjacent to the historic district, however, provides greater detail regarding the preferred housing typologies and densities for the surrounding area. The guidelines observe that neighborhoods adjacent to the historic districts contain a great diversity of housing typologies, and demonstrate “ways of making good-looking low rise, medium density housing from extended frontages to two and three family houses.” As the Village of Ossining considers appropriate design for new housing development, these examples can be utilized as templates for maintaining the existing community character. While the actual structures of these buildings may not demand stringent preservation due to the loss of original materials over the years, unique design features such as “the procession of front porches, decorated gable ends, and modeled roof shapes” give the neighborhoods a distinct character and should therefore be given consideration and weight in future residential planning and review.

Furthermore, the guidelines recommend that “wholesale demolition or interruptions of scale (the “Big House” or “McMansion” phenomenon) should be discouraged or prohibited” and that excessive walling off or landscaping measures should be discouraged as they detract from the street and community cohesion. Many of these recommendations are codified within the various districts of the zoning resolution.

#### [Main Street and Waterfront Plan \(Revised, 1995\)](#)

This document was mentioned in the Village E-Code within the section discussing the Planned Waterfront and Railway Development (PWRD) Overlay. It was stated that the document was completed by Christopher Chadbourne & Associates, but the document could not be located online.

## SECTION 2: VILLAGE POLICIES

### Overnight Parking Polices

Like many communities, the Village regulates overnight parking in its residential areas. In order to obtain an overnight parking permit in the Village of Ossining, an application must be filled out and returned to Village Hall by mail or by hand along with all of the requested documents including vehicle registrations and documents establishing residency or another connection to Ossining. The applicant must pay a \$75 fee for application. The application is reviewed by the Finance Department, the Police Department, and the Building Department which certify that the applicant has valid registration, has paid all their fines, and is not otherwise in poor standing with the Village. If the applicant meets the criteria for hardship and the aforementioned checks, the application is approved and a sticker granting the parking permission is sent to the applicant. However, the granting of such a sticker is not limited by the number of households in a given multi-family unit.

### Village of Ossining Housing Policy Statement (2006)

In 2006 the Village of Ossining Board of Trustees released a housing policy statement outlining current issues within the local rental and sale housing markets, the risks these issues pose to the community, and the Village's respondent strategy for addressing these issues. The Housing Policy Statement was eventually codified within Chapter 62 of the Village Code in 2009.

The Village Board supports its assessment of housing issues and need in the community using 2000 Census data on household size, income, home values, and vacancy rates, as well as current rental and home prices from Westchester Residential Opportunities, and affordable housing waiting lists. In its review of existing conditions contributing to housing issues, the Board also highlights average salaries amongst employees of the local school district, Village employees and police officers. Within the policy statement, the enumerated issues include a critically low vacancy rate of 3%, high rental costs for units of all sizes, the slow growth of salaries and household income compared to increasing housing cost, the high cost of homeownership in the region and village, an undersupply of existing affordable units, and the impending expiration of a proportion of those units, which will further exacerbate the housing deficit.

The Board recognizes the threat that these issues place on the Village's ability to maintain diversity within the community, provide housing for aging residents as well as the returning children of local families, and house civil servants and the local workforce on which the community depends. Furthermore, the shortage of affordable housing in the Village is also identified as a large contributor to issues of overcrowding and substandard living environments.

In order to combat these issues and the potential of their undesirable outcomes, the Board established a three-pronged strategy. The proposed affordable housing provision states that all new developments of a certain size must either (1) provide a percentage of affordable housing units on-site, (2) provide affordable housing off-site if on-site development is not feasible, or lastly, if the prior two options are not feasible, (3) make a payment in lieu of development to the Affordable Housing Fund.

The regulation is applicable to all new single-family and multi-family developments of 6 units or more and mandates a 10% affordability component. The 10% of units that are made affordable must be affordable to households making 80% of the Westchester County median income or less. There are also stipulations established within the policy to ensure that the affordable units are not easily



distinguishable from the market rate units in the building based on size, distribution, or quality of materials.<sup>2</sup>

If a developer cannot provide the affordable housing component on-site or off-site for reasons demonstrated to the Village, a contribution must be made to the Affordable Housing Fund. The buyout fee is calculated on a case-by-case basis, accounting for land, construction, and soft costs. The Fund revenue is not limited purely towards the construction of new affordable housing, but can also be used towards other measures that address housing affordability, such as down payment assistance and housing preservation.<sup>3</sup>

Developments that meet the affordability requirement on site for households making 80% AMI or less are eligible for a density bonus equal to the total number of affordable units provided. If a developer makes 10% of total units affordable to low income households making 60% AMI or less, the developer is eligible for an additional density bonus equal to 5% of the total number of market rate units originally proposed.<sup>4</sup>

The original 2006 policy statement proposed establishing a local preference component “to the extent the law allows” for Village employees and residents. This provision did not make it into the codified regulation.

### Streamlining the Land Use Approval Process Report (2014)

Pace Land Use Law Center was hired by the Village of Ossining to evaluate the current land development approval process in the Village. Pace’s primary assessment states, despite a relatively small municipal staff, the Village of Ossining maintains an efficient development approval process, with the average application approved within three months. Larger residential development can move fast through the approval process when compared to many surrounding localities. For example, the approval process for AvalonBay project took 22 months.

While application approvals are generally completed in a timely manner, delayed responses to information requests from various boards and code violations were identified as two challenges faced by the Village. The following six recommendations were made by Pace to address these issues and further improve the Village’s already efficient land development approval process.

RECOMMENDATION
(1) Increase Public Awareness of Land Development Approval Process
Increase Information on Departmental Websites (i.e. monthly application reports, links to meeting minutes, expanded FAQs, and project document logs)
Televise Planning & Zoning Board Meetings
Create Pamphlet of Land Development Approval Process
(2) Phase in an Electronic Submission Requirement for Type 1 and Unlisted Actions under SEQRA
(3) Increase Staff Capacity for the Building & Planning Departments
Hire Additional Staff
Use Escrow Accounts to Engage Additional Outside Professionals
(4) Increase Efficiency in Architectural Design Guideline Enforcement
Expand Historic District Exemption Lists
Create Pre-Approved Consent List

<sup>2</sup> <http://ecode360.com/14056337>

<sup>3</sup> <http://ecode360.com/14056367>

<sup>4</sup> <http://ecode360.com/14056346>

Eliminate Need for Joint Review
(5) Exempt Certain Projects from Board of Architectural Review process
(6) Adopt a Local SEQRA Type II List

### Code Enforcement Policies and Regulatory Reforms (Current)

The Village of Ossining, like many localities throughout the state, informs the administration of its property maintenance and building code regulations from a variety of resources at the local, state, and international level. On a global level, the International Code Council (“ICC”) issues a multivolume guidance series, which establishes standards for property maintenance and code enforcement. Many of the standards and procedure set forth by the ICC have been incorporated into the New York State Uniform Fire Prevention and Building Code (“The NYS Uniform Code”). In designing Chapter 162 of the Village Code, the Village of Ossining has looked to both documents to inform local regulations regarding property maintenance and building code requirements. Chapter 162 of the Village Code, titled Housing/Property Maintenance and Building Code Administration, dictates local requirements for building size, light and ventilation, plumbing, heating, and electrical components, as well as occupant responsibilities and code enforcement procedures. In addition to Chapter 162, Chapter 270 (Zoning) of the Village Code also contains regulations applicable to building requirements, such as the definition of terms and minimum dwelling unit size. Other applicable references include Chapter 62 (Affordable Housing), Chapter 91 (Building Construction), Chapter 133 (Fire hazard Inspections), and Chapter 182 (Nuisances).

The Village Code, as it applies to property maintenance, has been amended and evolved over the past 60 years. In 1967 the Village of Ossining Board of Trustees approved Local Law 1-1967, titled the “Housing Code of the Village of Ossining.” On June 5, 1973, LL1-1967 was repealed and replaced by Local Law 3-1973, known as the “Housing and Property Maintenance Code of the Village of Ossining.” Subsequent to the adoption of LL3-1973, the Village Code was re-codified and provisions of the local law were incorporated into the first rendition of Chapter 162. Since its codification in 1973, Chapter 162 has been subsequently amended in 1979, 1994, 1999, 2015 and most recently in 2017 with LL3-2017. Many of the amendments have sought to modernize the code with incorporation of contemporary living standards, safety requirements, and term definitions. Amendments have also been made to ensure that the Village Code remains in compliance with the NYS Uniform Code, which sets minimum standards for all localities within the state of New York.

Two of the most pressing building code issues currently faced by the Village of Ossining concern local code enforcement and occupancy limitations. Each section below outlines the regulations currently referenced by the Village of Ossining to address these two issues.

As previously mentioned, Chapter 162 of the Village Code establishes standards, regulations and procedures for addressing housing and property maintenance, and the administration of the building code. While the Village of Ossining has adopted the NYS Uniform Code in full, Chapter 162 has historically remained referential to the state code rather than incorporating language and standards verbatim. One exception to this trend was made with the adoption of Local Law 3-2017, which incorporates Part 1203.3 of the NYS Uniform Code into Chapter 162 of the Village Code. The language of Part 1203.3 of the NYS Uniform Code, titled “Minimum features of a program for administration and enforcement of the Uniform Code,” was incorporated in its entirety specifically to overhaul local code

enforcement procedures to meet state standards. Based on the adoption of LL3-2017, the Village Code now stipulates that although a person or entity maintains the full 30 days to comply with an Order to Remedy, code enforcement personnel may now require that efforts to remedy the violation must *begin* immediately.

In regard to the prevalence of overcrowding within the Village of Ossining, Chapter Four of the ICC's International Property Maintenance Code ("IPMC"), which governs space requirements and occupancy limitations for occupying a structure, can be looked to for regulation guidance. Section 404.4.1, bedroom and living room requirements, states that every living space shall contain no less than 120 square feet and every bedroom shall contain no less than 70 square feet. Additionally, every bedroom occupied by more than one person shall offer a minimum of 50 square feet of floor area per occupant. Section 404.5 further requires that in units of 6 or more occupants, a minimum of 150 square feet of living room space shall be provided in addition to the bedroom requirements stipulated in section 404.4.1. Specific requirements are identified for efficiency or studio units, which have a maximum occupancy of three persons, with minimum clear floor area ranging from 120 to 320 square feet based on the number of occupants.

## SECTION 3: VILLAGE ZONING REGULATIONS

### Zoning Districts in Village of Ossining

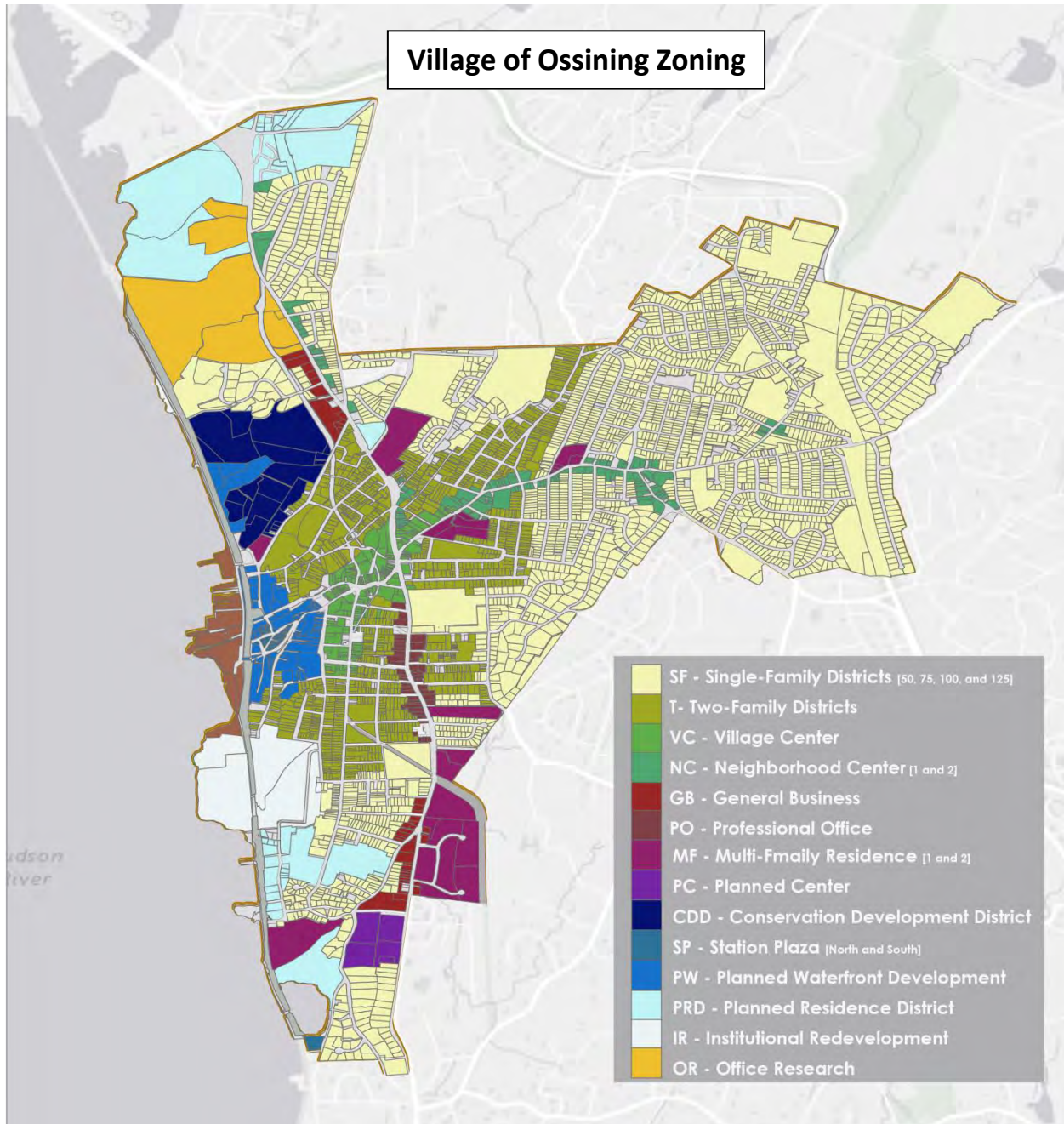
The Village of Ossining contains twenty-three traditional zoning districts and two overlay districts. Eight districts are classified as residential with the remaining classified as business and mixed use districts. The zoning was updated in 2009 at which time a few zones were split into multiple new zones to allow for more specific and nuanced regulations. The following districts appear on the table below but are excluded from the analyses that follow because they do not permit residential uses: Planned Center District (PC), General Business District (GB), Office Research District (O-R), and Station Plaza South District (SP-S).

Residential Districts	
S-125, S-100, S-75 and S-50	Single-Family Residence Districts
T	Two-Family Residence District
MF-1 and MF-2	Multifamily Residence Districts
PRD	Planned Residence District
Business and Mixed-Use Districts	
PC	Planned Center District
NC-1 and NC-2	Neighborhood Center Districts
VC	Village Center District
GB	General Business District
P-O	Professional Office District
O-R	Office-Research District
CDD	Conservation Development District
SP-N	Station Plaza North District
SP-S	Station Plaza South District
RDD	Riverfront Development District
PW	Planned Waterfront District
PW-a	Northern Waterfront Subdistrict
PW-b	Central Waterfront — Transit-Oriented Subdistrict
PW-c	Central Waterfront — Hillside Subdistrict
IR	Institutional/Redevelopment District

Source: Village of Ossining

## Zoning Map

This map displays the zoning designation of each parcel in the village. Certain categories of zoning with similar goals and permitted development have been given the same color to simplify the map.



## Comparative Analysis

### Use Regulations

The following section outlines permitted residential uses within various residential, business, and mixed-use districts as indicated within the existing zoning code for the Village of Ossining.

PERMITTED USE TABLE												
	S-125 S-100 S-75 S-50	T	MF-1 MF-2	PRD	PO	NC-1 NC-2	VC	SP-N	CDD	IR	RDD	PW
Single-Family (Detached)	P	P	P	P	P	C	C	C	C	C	SP	C
Single-Family (Attached)			P	P	P	C	C	C	C	C	SP	C
Two-Family (Attached)			P	P	C	C	C	C	C	C	SP	C
Two-Family (Detached)		C	P	P	C	C	C	C	C	C	SP	C
Multifamily			P		C	C	C	C	C	C	SP	C
Accessory												
Senior Living	C	C	C	C		C	C	C	C	C	SP	C
Office Live-Work					C	C	C	C	C	C	SP	C

**Note:**

P: Permitted

CP: Conditionally Permit

SP: Permitted as a Special Use

Design and Development Standards

Below are the form regulations for buildings in each of the zoning districts that allow residential uses. IR was left out of the analysis because it is not anticipated that redevelopment will occur on the Sing-Sing Correctional Facility in the near future.

DESIGN & DEVELOPMENT STANDARDS TABLE																		
District	S-125	S-100	S-75	S-50	T	MF-1, MF-2	PO	PRD <sup>5</sup>	NC-1	NC-2	VC	SP-N	CDD	RDD	PW-a	PW-b	PW-c	
Minimum Lot Area (Sq. Ft.)	15,000	10,000	7,500	5,000	7,500	40,000	10,000	N/A	N/A	N/A	N/A	N/A	2 Acres	40,000	40,000		10,000	
Minimum Lot Width (ft.)	125	100	75	50	75	150	100	100 / 200*										
Minimum Front Yard (ft.)	45	30	30	30	30	40	25	20 / 40*	10	Max 15	Max 10	Max 10	30	Max. <sup>6</sup> 15	20 feet of any street 15 feet of any lot line		15	
Minimum Rear Yard	45	40	30	30	30	MF-1: 35 MF-2: 25	20	40	20	20		30	50 ft <sup>7</sup>				20	
Minimum Side Yard (one/both)	30/60 <sup>8</sup>	20/45 <sup>2</sup>	12/28 <sup>2</sup>	8/18 <sup>2</sup>	12/28 <sup>2</sup>	30/60	10/20 <sup>2</sup>	20/45	10 <sup>4</sup>	10 <sup>9</sup>		30/60	10/20				10 each	
Maximum Building Height (ft./stories)	35/2.5	35/2.5	35/2.5	35/2.5	35/2.5	MF-1: 35/2.5 MF-2: 70/6	35/2.5	35/2.5	36/3	36/3	48/4	48/4	48/4	36/3	72/6	48/4 <sub>10</sub>	48/4 <sup>11</sup>	
Min. Distance between buildings (ft.)													35	40	30	50	25	
Minimum Parking Setback (ft.)													30	10	10	10		

<sup>5</sup> Asterisks (\*) in PRD column indicate requirements for attached housing in the PRD, which are available only with incentives

<sup>6</sup> For all properties facing Westerly Road

<sup>7</sup> For all properties abutting the riverfront

<sup>8</sup> Lots with a greater width than the minimum lot width must have both side yard setbacks equal to 40% of the lot width with each side yard equaling a minimum of 45% of both side yard setbacks.

<sup>9</sup> Only for lots abutting residential

<sup>10</sup> No building shall extend more than 1.0 story or 16ft above Market or Hunter Streets.

<sup>11</sup> No building shall exceed 220 feet above sea level

HOUSING OSSINING TECHNICAL PAPER #2: REGULATORY ASSESSMENT

DESIGN & DEVELOPMENT STANDARDS TABLE																	
District	S-125	S-100	S-75	S-50	T	MF-1, MF-2	PO	PRD <sup>5</sup>	NC-1	NC-2	VC	SP-N	CDD	RDD	PW-a	PW-b	PW-c
Minimum Livable Floor Area Per Unit (sq. ft.)	1,000	900	850	800	800	450 studio 600 1br 750 2br 250 each additional bedroom	800	Detached: 900 Two-family: 750 Attached: 600*	450 studio 600 1br 750 2br 250 each additional bedroom					450 studio 600 1br 750 2br 250 each additional bedroom <b>Minimum Required Bedroom Mix: 10% 1br or studio 20% 2br</b>			
Max. Building Coverage	20%	25%	30%	30%	30%	20%	25%	30%	40%	50%	100%	100%	30%	50%	40%	40%	50%
Max. Impervious Coverage	30%	35%	40%	40%	40%	60%	35%	60%	70%	80%	100%	100%	50%	70%	60%	60%	70%
Buffer abutting Resi. (ft.)								10 / 20*	10	10	10	10	25				
Residential Density (units per acre)						MF-1/MF-2 <sup>12</sup> 1 bedroom: 3,600/1,000 2 bedroom: 4,000/1,500 3 bedroom: 4,200/3,000 4+ bedroom: 4,500/3,600		6 / 6-8*					6-8	16	15 <sup>13</sup>		

<sup>12</sup> Density in Multi-Family Residence Districts is governed by minimum lot area per unit in square feet

<sup>13</sup> With special permit application, baseline density is 22 units per acre up to 32 units per acre pursuant to Section 270-23 of Village Code



Parking Regulations

Appendix C of the Village of Ossining’s regulating code identifies the minimum parking requirements for developments within each of the Village’s zoning districts.

REQUIRED MINIMUM PARKING COMPARATIVE MATRIX												
	S-125 S-100 S-75 S-50	T	MF-1 MF-2	PRD	PO	NC-1 NC-2	VC	SP-N	CDD	IR	RDD	PW
Efficiency Unit or Studio	N/A	N/A	1.25	1.5 +.4/unit	2	1.25	1	1	1.25	1.25	1	1
1 bedroom	2	2	1.5	2 +.4/unit	2	1.5	1	1	1.5	1.5	1	1
2+ bedroom	2	2	2	2 + 0.4/unit <sup>14</sup>	2	2	1.5	1.5	2	2	1.5	1.5

<sup>14</sup> Requires 2.4 spaces for 2-bedroom unit, plus 0.5 spaces for each additional bedroom

## Zoning district profiles

### Single Family Residence Districts (S-125, S-100, S-75, S-50)

#### *Purpose of District*

To maintain the character, scale, and density of existing single-family residential neighborhoods in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare. To encourage homeowners to maintain and improve their properties in keeping with the character of the surrounding neighborhood. (§ 270-9)<sup>15</sup>

#### *Location in Village*

Single Family Residence districts are spread out across the Village. However, they are by far the dominant zoning districts governing land area in the northeastern portion of the Village.

#### *Permitted Uses*

Within the Single-Family Residence districts, single-family detached units are the only residential units permitted as-of-right. Senior living residential developments are conditionally permitted if (a) the proposed parcel is larger than 3.0 acres, (b) the maximum height of the proposed building does not exceed 35 feet or 2.5 stories, and (c) the parking and building dimensions meet specific setback and coverage standards.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Live-Work
P						C	

#### *Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing within Single-Family Residence districts. All lots in single-family districts with a width greater than the specified minimum lot width must have both side yard setbacks equal to 40% of the lot width with each side yard equaling a minimum of 45% of both side yard setbacks.

	Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density <sup>16</sup> (Max Units Per Acre)
S-125	15,000	35 / 2.5	20	2.9
S-100	10,000	35 / 2.5	25	4.4
S-75	7,500	35 / 2.5	30	5.8
S-50	5,000	35 / 2.5	30	8.7

#### *Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
N/A	2	2

<sup>15</sup> <http://ecode360.com/6427118#6427118>

<sup>16</sup> Density for single-family units is calculated by dividing 43,560 (total number of square feet within an acre) by the minimum lot area of each district. It should be noted that the calculated residential is a maximum, and likely an over-estimation, due to the fact that parcel dimensions, setbacks, and other development standards would likely not allow for the full buildout of each parcel.

## Two Family Residence District (T)

### Purpose

To maintain the character, scale and density of existing two-family neighborhoods in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare. To encourage property owners to maintain and improve their properties in keeping with the character of the surrounding neighborhood. (§ 270-10)<sup>17</sup>

### Location in Village

There are four Two Family Residence Districts located within the Village of Ossining. These districts are clustered towards the center of the Village, bordering the edges of the Village Center District (VC). The most northern T district is relatively expansive, covering a large swath of land north of Croton Avenue from the waterfront to Pine Avenue.

### Permitted Uses

Within the Two-Family Residence district, the only residential land use permitted as-of-right are single-family detached units. It is unusual and worth noting two-family residences are not allowed as-of-right within the Two-Family Residence District. Two-family detached units and senior living units are conditional residential uses and are only allowed if (a) the parcel in question is larger than 3.0 acres, (b) the maximum height of the building does not exceed 35 feet or 2.5 stories, and (c) the parking and building dimensions meet specific setback and coverage standards as outlined in [Appendix, B Table 2](#) and [Appendix C, Table 3](#).

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Live-Work
P			C			C	

### Design and Development Standards

The following development standards affect the design, density, and placement of residential housing within Two-Family Residence districts. All lots in two-family districts with a width greater than the minimum lot width must have both side yard setbacks equal to 40% of the lot width with each side yard equaling a minimum of 45% of both side yard setbacks.

	Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density (Max Units Per Acre)
T	7,500	35 / 2.5	30	5.8

### Parking Regulations

Efficiency Unit or Studio	1 bedroom	2+ bedroom
N/A	2	2

<sup>17</sup> <http://ecode360.com/6427160#6427160>

### Multi-Family Residence District (Mf-1, Mf-2)

#### Purpose

To accommodate the need for denser and more compact housing types in appropriate locations within the Village. To maintain the character and scale of existing multifamily housing developments in the Village of Ossining consistent with the protection and promotion of public health, safety and general welfare. (§ 270-11)<sup>18</sup>

#### Location in Village

There are seven MF-1 and four MF-2 Multi-Family Residence Districts located within the Village of Ossining. The MF-2 districts are relatively small and thus cover a minimal amount of land area within the Village. The MF-2 districts are spread across the center of the Village, but typically border either MF-1 or T districts. The seven MF-1 districts are clustered to the south and east of Sing Sing Correctional Facility, and just north of the Village Center district.

#### Permitted Uses

Multi-Family Residence Districts are the only districts in the entire Village that permit multi-family development as-of-right. Within the two districts, senior living developments, as a conditional residential use, are only allowed if (a) the parcel in question is larger than 3.0 acres, (b) the maximum height of the building does not exceed 35 feet or 2.5 stories, and (c) the parking and building meet specific setback and coverage standards.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Live-Work
P	P	P	P	P		C	

#### Design and Development Standards

The following development standards affect the design, density, and placement of residential housing within Multi-Family Residence districts. All lots in multi-family districts with a width greater than the specified minimum lot width must have both side yard setbacks equal to 40% of the lot width with each side yard equaling a minimum of 45% of both side yard setbacks.

Multi-family districts are further regulated by a handful of standards that are not explicitly applied to other districts within the Village. First, if more than one multifamily building exists on a single parcel, a minimum distance of 25 or 1.5 times the height of the tallest building must be maintained between the two principal buildings, whichever is more. Additionally, there is a minimum open space requirement per unit (i.e. 1 bedroom – 200 sq. ft.; 2 bedrooms – 300 sq. ft.; 3 bedrooms – 400 sq. ft.; 4 or more bedrooms – 600 sq. ft.) and 25% of the total required open space must be equipped and active landscaped recreation area(s).

Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land)	Minimum Lot Area Per Unit (square feet)
--------------------------------	------------------------------------------	------------------------------------------------------	-----------------------------------------

<sup>18</sup> <http://ecode360.com/6427165#6427165>

			Area)	
MF-1	40,000	35 / 2.5	20	1 bedroom - 3,600 2bedroom - 4,000 3bedroom - 4,200 4+ bedrooms - 4,500
MF-2	40,000	70 / 6	20	1 bedroom – 1,000 2bedroom - 1,500 3bedroom – 3,000 4+ bedrooms – 3,600

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
1.25	1.5	2

**Planned Residence District (PRD)**

*Purpose*

To maintain residential developments constructed in the PRD District prior to the effective date of Local Law No. 3-2009. To provide for the development of remaining undeveloped lands within the PRD District while preserving the natural features of development sites, including wetlands, steep slopes, hilltops and ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value. To ensure compatibility between new planned residential development and surrounding existing neighborhoods. (§ 270-12)<sup>19</sup>

*Location in Village*

There are five Planned Residence Districts within the Village of Ossining. Two PRD designations are in the southern portion of the Village surrounding the Sparta Historic District. Another large PRD zone is in the northwest extent of the Village, and two smaller districts are located near Dale Cemetery and Claremont Elementary School along Route 9.

*Permitted Uses*

Planned Residence Districts permit single-family and two-family residential units, both attached and detached, as-of-right. Senior living developments, as a conditional residential use, are only allowed if (a) the parcel in question is larger than 3.0 acres, (b) the maximum height of the building does not exceed 35 feet or 2.5 stories, and (c) the parking and building meet specific setback and coverage standards.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Live-Work
P	P	P	P			C	

*Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing within Planned Residence districts. In addition to the regulations shown below, all lots in PRD districts with a width greater than the specified minimum lot width must have both side yard setbacks equal to 40% of the lot width with each side yard equaling a minimum of 45% of both side yard setbacks. Height is capped at 10 feet above the west curb for buildings on Hudson Street.

The Planning Board may allow a greater density of attached dwelling units within a structure upon a finding that permitting such additional units will not cause a significant adverse effect or impact on the

<sup>19</sup> <http://ecode360.com/6427170#6427170>

physical or environmental conditions on the site or in the neighborhood. Additionally, developers may apply for 10% density bonuses in exchange for providing certain amenities (i.e. public parks and open space, historic preservation, green building practices, brownfield remediation, etc.), but must remain within maximum density units stated below.

	Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density (Max Units Per Acre)
PRD	N/A	35 / 2.5	30	Detached: 6 Attached: 6-8

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
1.5 plus 0.4/unit	2 plus 0.4/unit	2 plus 0.4/unit

**Professional Office District (PO)**

*Purpose*

To accommodate a mix of residential and commercial uses within appropriately scaled buildings along South Highland Avenue. To minimize impacts from commercial uses on the surrounding residential neighborhoods. To maintain the historic character of the large homes on South Highland Avenue that have been converted to nonresidential use. (§ 270-17)

*Location in Village*

There is only one Professional Office District currently located within the Village of Ossining. The PO District hugs the Route 9 corridor, also referred to as South Highland Avenue, for approximately 2,000 feet between Waller Avenue and Washington Avenue, just north of the Village Center District.

*Permitted Uses*

The PO district permits residential units due to its objective to accommodate a mix of both residential and commercial uses along South Highland Avenue, and to act as a buffer between commercial uses and surrounding primarily residential areas. However, the higher-density conditional residential uses indicated below are only allowed if (a) the parcel in question is larger than 3.0 acres, (b) the maximum height of the building does not exceed 35 feet or 2.5 stories, and (c) the parking and building meet specific setback and coverage standards outlined in the following section on Design and Development Standards.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Live-Work
P	P	C	C	C			C

*Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing within Professional Office Districts. In addition to the regulations shown below, all lots in Professional Office Districts with a width greater than the minimum lot width designated must have both side yard setbacks equal to 40% of the lot width with each side yard equaling a minimum of 45% of both side yard setbacks.

	Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density <sup>20</sup> (Max Units Per Acre)
P-O	10,000	35 / 2.5	30	4.4

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
2	2	2

**Neighborhood Center Districts (Nc-1, Nc-2)**

*Purpose*

To provide locations for neighborhood-serving businesses in close proximity to residential districts to minimize the need for travel to run daily errands and to protect and promote the health, safety and welfare of Village residents. To encourage neighborhood-serving businesses to cluster along designated corridors within the Village to promote business corridor identity and facilitate comparison shopping. To provide for a diverse range of housing types within neighborhood centers while retaining businesses as the main uses in NC Districts. To aid in the implementation of a parking strategy for each NC district to minimize the impacts of vehicular traffic in and around residential districts. (§ 270-14)<sup>21</sup>

*Location in Village*

Seven Neighborhood Center Districts exist within the Village of Ossining. These districts are largely linear in shape and clustered along Route 9 and Upper Croton Avenue, and are always bordered by residential zones such as Single-Family Residence districts, Two-Family Residence Districts, and Multi-Family Districts.

*Permitted Uses*

All residential uses are conditional in Neighborhood Center Districts, with residential units only permitted above nonresidential units. Thus, ground floor or basement residential uses are not permitted within the district.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Live-Work
C	C	C	C	C		C	C

*Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing within Neighborhood Center Districts. In addition to the regulations shown below, residential dwelling units in NC districts are not permitted as a ground floor use and must have a separate main entrance from the nonresidential use on which they sit.

<sup>20</sup> Residential Density is calculated by dividing 43,560 (total number of square feet within an acre) by the minimum lot area required in P-O Districts. It should be noted that the calculated residential is a maximum, and likely an over-estimation, due to the fact that parcel dimensions, setbacks, and other development standards would likely not allow for the full buildout of each parcel.

<sup>21</sup> <http://ecode360.com/14065210#14065210>

	Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density (max Units Per Acre)
NC-1	N/A	36 / 3	40	N/A
NC-2	N/A	36 / 3	50	N/A

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
1.25	1.5	2

**Village Center District (VC)**

*Purpose*

To preserve historic downtown Ossining as the center of village life. To promote increased business activity in downtown Ossining by permitting uses and levels of intensity that are greater than elsewhere in the Village. To provide opportunities for residential uses in downtown Ossining to encourage street life during the day and evening. (§ 270-15)<sup>22</sup>

*Location in Village*

The sole Village Center District is centered around the intersection of Main Street and Spring Street, and the junction of Route 9, Croton Avenue, and Broadway. The district covers the central area downtown, including Market Square, Ossining Public Library, and many municipal offices.

*Permitted Uses*

All residential uses are conditional in the Village Center District, with residential units only permitted above nonresidential units. Thus, ground floor or basement residential uses are not permitted within the district.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Work	Live-Work
C	C	C	C	C		C	C	

*Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing in the Village Center District. In addition to the regulations shown below, residential dwelling units the VC district are not permitted as a ground floor use and must have a separate main entrance from the nonresidential use on which they sit. Additionally, the Village Center is the only district besides Station Plaza North that allows for 100% building lot coverage and establishes a maximum 10-foot front yard setback. Maximum lot coverage and restricted front yard setbacks ensure that building footprints maximize the full land area parcel, creating a consistent pedestrian environment and avoiding negative space along the street edge by encouraging a street wall that is flush with the sidewalk.

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	Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density (max Units Per Acre)
VC	N/A	48 / 4	100	N/A

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
1	1	1.5

**Station Plaza North District (SP-N)**

*Purpose*

To encourage mixed-use development on small properties near the Metro-North train station that will protect and promote the adaptive reuse of existing architecturally noteworthy buildings. To increase business near the train station by permitting uses that promote activity around the train station. To provide opportunities for residential uses downtown to encourage street life during the day and evening. (§ 270-20)

*Location in Village*

The Station Plaza North District is a relatively small district, covering less than 250,000 square feet, centered around the Ossining Train Station. The district is bordered by two waterfront districts (PW-b and PW-c) and rail alignment and RDD district to the west.

*Permitted Uses*

All residential uses are conditional in the Station Plaza North District, with residential units only permitted above nonresidential units. Thus, ground floor or basement residential uses are not permitted within the district.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Work	Live-Work
C	C	C	C	C		C		C

*Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing within the Station Plaza North District. In addition to the regulations shown below, residential dwelling units in the SP-N district are not permitted as a ground floor use and must have a separate main entrance from the nonresidential use on which they sit. Additionally, the Station Plaza North District is the only district besides Village Center that allows for 100% building lot coverage and establishes a maximum 10-foot front yard setback. Maximum lot coverage and restricted front yard setbacks ensure that building footprints maximize the full land area parcel, creating a consistent pedestrian environment and avoiding negative space along the street edge by encouraging a street wall that is flush with the sidewalk.

	Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density (max Units Per Acre)
SP-N	N/A	48 / 4	100	N/A

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
1	1	1.5

**Conservation Development District (CDD)**

*Purpose*

To provide for development that is low density and will protect the aesthetics, natural resources and environmental features of the remaining undeveloped lands within the CDD District, including preserving natural features of development sites such as wetlands, steep slopes, hilltops, ridgelines, views to and from the Hudson River, trees, outstanding natural topography, significant geological features and other areas of scenic, ecological and historic value.

Protecting the water quality of the streams and watercourses leading into the Hudson River, including fish, wildlife and natural vegetation; requiring the use of best management practices with respect to protection of water quality, stormwater management and erosion and sediment control; minimizing construction on or regrading of steeply sloped areas; enhancing the aesthetics of these natural resources to the greatest extent practicable by protecting scenic views. (§ 270-19)

*Location in Village*

There is only one Conservation Development District located within the Village of Ossining. The district is in the northwest portion of the village, sited between the waterfront and Route 9. The CDD is bordered by a Single-Family Residence District and a Two-Family Residence District.

*Permitted Uses*

All residential uses are conditional in the Conservation Development District. Conditional residential uses are only allowed if (a) the parcel in question is larger than 3.0 acres, (b) the maximum height of the building does not exceed 35 feet or 2.5 stories, and (c) the parking and building meet specific setback and coverage standards.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Work	Live-Work
C	C	C	C	C		C		C

*Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing within the Conservation Development District. Parcels within CDD are subject to a minimum open space requirement of 25% of the total lot area, and no more than half of the parcel width may be occupied by buildings, walls, or fences taller than 36 inches. Each structure on a parcel within the CDD is also

regulated by a maximum width of 75 feet. These additional regulations have largely been put in place to provide open space and protect viewsheds of the Hudson River.

Similar to PRD zones, developers with proposed projects in the CDD zone may apply for 10% density bonuses in exchange for providing certain amenities (i.e. public parks and open space, historic preservation, green building practices, brownfield remediation, etc.), but must remain within the maximum density. The 10% bonus is awarded for each amenity provided.

	Minimum Lot Area (Acres)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density (max Units Per Acre)
CDD	2	48 / 4	30	6-8

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
1.25	1.5	2

**Riverfront Development District (RDD)**

*Purpose*

To establish a carefully-designed mixed-use development plan for the riverfront area that will implement the planning goals and objectives of the Comprehensive Plan and the Local Waterfront Revitalization Plan and protect the environment and public health, safety and general welfare of the community. A portion of the district is also governed by the Planned Waterfront and Railway Development (PWRD) Overlay, established to encourage water-dependent and water-enhanced uses and promotion and development of mixed residential, retail, commercial and open space uses on the waterfront. (§ 270-22)

*Location in Village*

There is only one Riverfront Development District located within the Village of Ossining. The RDD encompasses the harbor area west of Ossining Train Station.

*Permitted Uses*

All residential land uses are permitted by special permit only within the Riverfront Development District. However, within the PWRD multiple-dwelling units with up to three bedrooms per unit, including buildings for condominium, fee simple, cooperative or rental occupancy are permitted.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Work	Live-Work
SP	SP	SP	SP	SP		SP		SP

*Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing within the Riverfront Development District. Parcels within RDD are subject to a minimum open space requirement of 15% of the total lot area, and no more than half of the parcel width may be occupied by buildings, walls, or fences taller than 36 inches. Each structure on a parcel within the RDD is also regulated by a maximum width of 75 feet. These additional regulations have largely been put in place to provide open space and protect viewsheds of the Hudson River.

	Minimum Lot Area (Acres)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density (max Units Per Acre)
RDD	40,000	48 / 4	50	16
PWRD	N/A	80	50	48

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
1	1	1.5

**Planned Waterfront Districts (PW-A, PW-B, PW-C)**

*Purpose*

To establish a carefully designed mixed-use development plan for the waterfront area that will implement the planning goals and objectives of the Comprehensive Plan, and the Local Waterfront Revitalization Plan, and protect and promote the environment and public health, safety and general welfare of the community. (§ 270-23)

*Location in Village*

All three Planned Waterfront Districts are located along the rail alignment and former industrial waterfront. The PW districts are located in close proximity to the Ossining Train Station, and thus are often regulated according to best practices of transit-oriented development.

*Permitted Uses*

All residential uses are conditional in the three Planned Waterfront Districts.

single-family (detached)	single-family (attached)	two-family (attached)	two-family (detached)	multifamily	Accessory	Senior Living	Office Work	Live-Work
C	C	C	C	C		C		C

*Design and Development Standards*

The following development standards affect the design, density, and placement of residential housing within the Planned Waterfront Districts. Parcels within PW Districts are subject to a minimum open space requirement of 15% of the total lot area, and no more than half of the parcel width may be occupied by buildings, walls, or fences taller than 36 inches. Each structure on a parcel within a PW District is also regulated by a maximum width of 75 feet. These additional regulations have largely been put in place to provide open space and protect viewsheds of the Hudson River.

On parcels with a total lot area of three acres or more, developers with proposed projects in the PW zones may apply for one or more density bonuses in exchange for providing certain amenities (i.e. public parks and open space, historic preservation, green building practices, brownfield remediation, etc.), but must remain within the maximum density. Bonuses may range from 22 to 32 units per acre at the discretion of the Planning Board.

HOUSING OSSINING TECHNICAL PAPER #2: REGULATORY ASSESSMENT

	Minimum Lot Area (Square Feet)	Maximum Building Height (Feet / Stories)	Maximum Building Coverage (Percentage of Total Land Area)	Residential Density (max Units Per Acre)
PW-a	40,000	72 / 6	40	15
PW-b	40,000	48 / 4	40	15
PW-c	10,000	48 / 4	50	15

*Parking Regulations*

Efficiency Unit or Studio	1 bedroom	2+ bedroom
1	1	1.5

# **SESSION 3:**

## **Accessory Dwelling Units to Create Housing**

**MODERATOR: Jessica Bacher, Esq.,** *Staff Consultant, Housing Action Council and Executive Director, Land Use Law Center*

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**Michael Patino,** *Owner, Michael Patino Architecture and Village Trustee, Village of Dobbs Ferry*

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**§ 300-39. Accessory dwelling unit. [Amended 6-14-2011 by L.L. No. 6-2011; 7-12-2022 by L.L. No. 4-2022]**

- A. Legislative intent and purpose. The intent and purpose of this section are to:
- (1) Provide opportunity for the right to establish smaller dwelling units as incidental and subordinate to single-family dwellings in the Village of Dobbs Ferry and to ensure that any accessory dwelling unit meets applicable building, fire and safety standards.
  - (2) Establish smaller dwelling units without increasing building density by utilizing residential and accessory building resources as a means to meet the housing needs of populations which may be underserved, especially single persons and couples of all ages with fixed, low and moderate incomes, and relatives of existing residents of Dobbs Ferry.
  - (3) Provide economic support for resident individuals and families, particularly property owners who would benefit from rental income due to fixed or moderate means, for whom there are limited housing options should they desire to remain in the Village.
  - (4) Encourage diversity in the housing stock options and the residential population of Dobbs Ferry.
  - (5) Promote the health, safety and welfare of the residents of the Village of Dobbs Ferry and preserve property values.
- B. Requirements for special permits for accessory apartments. No special permit for an accessory dwelling unit shall be approved unless the Planning Board finds that all of the following requirements are met:
- (1) The accessory dwelling unit is allowed by special permit in accordance with Table A-1 of this chapter.
  - (2) The accessory dwelling unit must be located in a principal building of a one-family dwelling or in a permitted accessory building on the same property.
  - (3) The owner of the one-family dwelling unit must occupy either the principal dwelling or the accessory dwelling unit as a principal residence.
  - (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 or 800 square feet, whichever is less, unless, in the reasonable opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of a particular building.
  - (5) An accessory dwelling unit shall not contain more than two bedrooms, each meeting requirements of applicable codes, including building, fire and safety and zoning.
  - (6) Although no additional parking shall be mandatory for an accessory dwelling unit, a parking assessment shall be made on a case-by-case basis during the review of the special permit application by the Planning Board. At a minimum, existing required parking for the primary dwelling must be maintained or replaced on site.
  - (7) Except for improvements mandated by NYS Uniform Code requirements, no exterior changes shall be made to the building in which the accessory dwelling unit is located that, in the reasonable opinion of the Planning Board, would significantly alter the appearance and character of the building as a single-family residence or accessory structure.

- (8) During the review of any application for an accessory dwelling unit special permit, the Planning Board shall consider the effect of the proposed accessory dwelling unit on parking, traffic, noise, congestion, appearance, and other site-specific factors that the Planning Board reasonably deems relevant to potential impacts on the neighborhood. Following consideration of these site-specific criteria, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the addition of an accessory dwelling unit use to the subject property. The Planning Board may refuse to issue a special permit if it finds that the cumulative effects from approved accessory dwelling units in the neighborhood, including the one proposed, will adversely affect the character of the neighborhood.
  - (9) The accessory dwelling unit must adhere to current residential design guidelines (as captured in Chapter 300, Appendix G "Residential Design Guidelines").
  - (10) The accessory dwelling unit must comply with all relevant New York State Uniform Codes, including all requirements for a dwelling unit.
  - (11) No open violations of the Dobbs Ferry Code shall exist at the time of application for an accessory dwelling unit special permit.
  - (12) A maximum of 50 validly issued accessory dwelling unit special permits shall be permitted Village-wide. The limit on the number of accessory apartment special permits may not be varied by the Zoning Board of Appeals.
- C. Procedure for special permits for accessory dwelling units. In addition to the procedures set forth in § 300-53, the following requirements must be met for a special permit for an accessory dwelling unit:
- (1) An applicant for a special permit for an accessory dwelling unit shall provide:
    - (a) A sworn affidavit stating compliance with Subsections B(3) and (5).
    - (b) A site plan prepared by a licensed professional based on a property survey indicating existing buildings, walkways, and the location of existing and proposed off-street parking.
    - (c) A plan prepared by a licensed professional of:
      - [1] Floor plan of the proposed accessory dwelling unit; and
      - [2] Any portion of the building in which it is to be located necessary to demonstrate compliance with all applicable New York State Uniform Codes.
  - (2) The Building Inspector, or his/her designee, shall conduct a physical inspection of the proposed accessory dwelling unit and the building in which it is located and report the results to the Planning Board.
  - (3) In granting a special permit for an accessory dwelling unit, the Planning Board shall have the authority to impose such reasonable restrictions and conditions as are consistent with the purposes of this chapter, including but not limited to landscaping or other means of buffering.
  - (4) Water and sewer service. Prior to the issuance of a building permit for the establishment of an accessory dwelling unit in a principal dwelling building or the conversion of a portion of an accessory building to an accessory dwelling unit use, the applicant must obtain approval of the proposed method of water supply and sewage disposal from the Westchester County



Department of Health and shall coordinate such approval with the Village.

D. Expiration: renewal.

- (1) All changes of building ownership require reinspection per § 204-21 of the Village Code. A change in building ownership requires a transfer of the special use permit for an existing permitted accessory dwelling unit.
- (2) An accessory dwelling unit special permit shall expire automatically if the new building owner does not apply for a special permit transfer within 90 days of the change of ownership of the building. The new owner must meet all the requirements set forth in this section in order to obtain the transfer of a permit. The new owner shall not be deemed in violation of this section as long as the application is pending. Should a new owner maintain an accessory dwelling unit but fail to apply for a special permit transfer within 90 days from the taking of title, the new owner shall be deemed in violation of this chapter.
- (3) In such event, the tenant of the accessory dwelling unit shall be permitted to remain for up to the end of their current lease, if the owner of the residence so consents unless the Planning Board approves an additional extension of time by resolution upon receipt of a written request by the property owner for such extension.

E. Penalties.

- (1) Any property owner who allows occupancy of an accessory dwelling unit in violation of this section or any other provision of this chapter, or any condition imposed by the Village in connection with an accessory dwelling unit shall be subject to, at a minimum, revocation of any special permit issued in connection with the accessory dwelling unit.
- (2) In addition to the foregoing, any property owner who fails to obtain an accessory dwelling unit special permit or who allows occupancy of an accessory dwelling unit in violation of this chapter, or any condition imposed in connection with the special permit shall be guilty of an offense punishable by a fine of not less than \$2,000. Any continued violation shall constitute a separate additional offense and may be subject to applicable fines.

*SEE BELOW SECTION C*

**§ 295-67. One-Family Residence (R-20) Districts. [Amended 3-21-1995 by L.L. No. 3-1995; 8-12-1997 by L.L. No. 7-1997; 2-17-1998 by L.L. No. 1-1998; 6-15-1999 by L.L. No. 3-1999; 6-6-2000 by L.L. No. 1-2000; 1-21-2003 by L.L. No. 1-2003]**

A. Principal uses. The following uses are permitted principal uses in an R-20 District:

- (1) One-family detached dwellings, not to exceed one per lot.
- (2) Municipal parks, municipal playgrounds and municipal conservation areas, including the customary accompanying refreshment and service buildings.
- (3) Places of worship, parish houses and buildings for religious education, provided that:
  - (a) No more than one family shall live on the site;
  - (b) The lot on which they are located shall front on or have direct and convenient access to a major or collector road, as determined by the Planning Board;
  - (c) All buildings and structures on the lot shall together cover not more than 15% of the site area, nor shall the sum total of land covered with buildings and paved areas exceed 40% of the site area;
  - (d) All new principal buildings shall have a minimum front yard of 40 feet and minimum side and rear yards of 40 feet each, provided that no side or rear yard shall equal less than 1 1/2 times the height of the building wall nearest that lot line; and
  - (e) Off-street parking and loading facilities shall not be permitted in the front yard, except for necessary access drives, nor shall such facilities be located within any required yard, but in any event not within 20 feet of any adjoining property in a residence district. The Planning Board may, however, permit up to 10% of the required off-street parking spaces to be located in the front yard (other than in the required front yard), provided that the Planning Board finds that the parking is designed and limited to visitor use and provided further that the parking is attractively landscaped and maintained, and further provided that the Planning Board determines that the front yard parking is necessary to facilitate an improved parking and traffic circulation system on the site.

B. Principal uses requiring a special use permit. The following uses are permitted principal uses in an R-20 District but require a special use permit issued pursuant to Article X of this chapter:

- (1) Schools and day nurseries, provided that:
  - (a) They occupy a lot with an area of not less than three acres plus one acre for each 100 pupils for which the building is designed; and
  - (b) They comply with the requirements set forth in Subsection A(3)(b) through (e) above.
- (2) Libraries and museums, provided that they comply with the requirements set forth in Subsection A(3)(b) through (e) above.
- (3) Hospitals, nursing homes or convalescent homes, provided that: **[Amended 12-17-2019 by L.L. No. 14-2019]**
  - (a) They shall occupy a lot of not less than 20 acres that has not less than 1,500 feet of frontage on a state highway; and

(b) They shall comply with the requirements set forth in Subsection A(3)(b) through (e) above.

(4) Assisted living housing, active adult/independent living housing, continuum of care facility, provided that: **[Amended 12-17-2019 by L.L. No. 14-2019]**

(a) They shall occupy a lot of not less than five acres;

(b) They shall be located at least 75 feet from any street or lot line and contain accommodations for not more than five beds per acre; and

(c) They shall comply with the requirements set forth in Subsection A(3)(b) through (c) and (e).

(5) Public utility substations, public utility transmission and distribution lines, public utility water towers and railroads and public utility rights-of-way and structures necessary to provide service within the Village, but not personal wire service facilities, except as permitted by § 295-85 of this chapter, provided that:

(a) Any lot on which a public utility substation or water tower is located shall have an area of at least 7,500 square feet and a frontage of at least 75 feet. The station or tower shall be set back at least 30 feet from the front property line and 20 feet from all other property lines and shall be enclosed by protective fencing and a gate which shall be closed and locked except when necessary to obtain access thereto;

(b) Any such facilities shall be so designed, enclosed, painted or colored and screened with evergreens that they will be harmonious with the neighborhood in which they are located. All such property shall be suitably landscaped and maintained in reasonable conformity with the standards of property maintenance of the neighborhood in which it is located;

(c) All new or additional power transmission or distribution lines shall be placed underground, wherever possible; and

(d) They shall comply with the requirements set forth in § 295-95 of this chapter.

C. Accessory uses. The following uses are permitted accessory uses in an R-20 District but only in conjunction with a principal use that is permitted in an R-20 District

(1) The office or studio of an architect, artist, dentist, engineer, lawyer, musician, teacher, physician or similar profession, but not including veterinarians, provided that

(a) The office or studio is incidental to the residential use of the premises and is carried on by a resident therein with not more than one nonresident assistant, including partners, associates and part-time and full-time employees;

(b) The office or studio shall not occupy more than 30% of the area of one floor of the main building;

(c) The office or studio shall not create a nuisance to any surrounding residents;

(d) There shall be no outside storage and no display, advertising or other visible evidence of the use outside the building in which it is located, except for a single identification nameplate not exceeding one square foot in area; and

(e) The parking area shall be subject to site plan review to determine that it is of adequate size

for the particular use, suitably screened with evergreen planting, walls or fences or combinations thereof, and with entrance and exit drives designed in a safe and adequate manner.

- (2) Customary home occupations, as defined in § 295-5 of this chapter, provided that
- (a) The occupation is incidental to the residential use of the premises and is carried on in the main building by a resident therein with not more than one nonresident assistant, working at the same time, including partners, associates and part-time and full-time employees;
  - (b) Only customary household tools, appliances and equipment are used;
  - (c) The occupation does not occupy more than 30% of the area of one floor of the main building;
  - (d) The occupation does not create a nuisance to any surrounding residents;
  - (e) The use does not create waste disposal requirements significantly in excess of those normally produced in a residential district unless a suitable method for the disposal of such wastes is provided, as determined by the approving authority;
  - (f) There shall be no outside storage and no display, advertising or other visible evidence of the use outside the building in which it is located, except for a single identification nameplate not exceeding one square foot in area;
  - (g) All products sold on the premises shall be made on the premises, except for the sale of items that are incidental to the provision of a permitted service;
  - (h) There shall be no mechanical or structural fabrication, assembly or processing of any products or items, except that which is incidental to the permitted accessory use;
  - (i) The parking area shall be subject to site plan review to determine that it is of adequate size for the particular use, suitably screened with evergreen planting, walls or fences or combinations thereof, and with entrance and exit drives designed in a safe and adequate manner;
  - (j) No more than one commercial vehicle, which vehicle shall be less than three-fourths-ton in design capacity, shall be used in connection with such a permitted accessory use. Such vehicle shall be housed in an enclosed garage when not in actual use; and
  - (k) Where the proposed use involves structural alterations or additions requiring a building permit, the use shall be permitted only if the structure in which it is to be located is deemed by the Building Inspector to be adaptable to the proposed use from the point of view of public health and safety and the other requirements of this chapter, and shall conform to all height and yard requirements of this chapter.
- (3) Storage and parking of trailers, boats and snowmobiles, provided that: **[Amended 9-7-2010 by L.L. No. 6-2010]**
- (a) No more than one boat, one trailer and one snowmobile may be parked or stored on a lot, except that a boat may be parked or stored on a boat trailer;
  - (b) Any boat (with its trailer) or snowmobile shall either be parked or stored fully enclosed in a garage or similar structure or, if parked or stored outside, shall be parked or stored at

least 10 feet from any side or rear lot line and at least 20 feet from the front lot line;

- (c) The trailer shall not exceed 140 square feet in horizontal cross-section area and, except as provided in § 295-51, shall be parked or stored fully enclosed in a garage or similar structure; and
  - (d) The parking or storing of a trailer or boat or snowmobile shall not impair the provision of the required off-street parking for the structure or land use on that lot as specified in this chapter.
- (4) A garden house, toolhouse, playhouse, greenhouse or similar occupancy use customarily incident to the permitted principal use of the premises and not operated for profit.
  - (5) A swimming pool, provided that it complies with this chapter.
  - (6) Off-street parking facilities, but not portable carports or similar structures, serving the permitted principal and accessory uses in the lot and conforming with this chapter. **[Amended 8-5-2008 by L.L. No. 24-2008]**
  - (7) Signs, but only the following, and provided that they comply with § 295-50 of this chapter:
    - (a) For dwellings, one sign per lot, not exceeding two square feet in area, giving the name of the property and/or occupants of the premises, and one additional sign, not more than one square foot in area, identifying any profession or occupation permitted as an accessory use on the lot.
    - (b) For permitted principal uses other than dwellings, one sign placed at each street frontage where the use has an access drive, provided that the total area of all such signs does not exceed 40 square feet and no one sign exceeds 25 square feet.
    - (c) One "For Sale" or "For Lease" sign or one "Sold" sign per lot, not exceeding six square feet in area. A "Sold" sign shall not be displayed for more than 30 days after the date of the execution of the contract of sale. Such signs shall not be illuminated and shall not contain luminous or reflective material.
    - (d) Temporary identifying signs, not over six square feet in area, and not more than one for each street frontage of the lot, during the course of construction only. Such signs shall not be illuminated and shall not contain luminous or reflective material.
  - (8) Roof-mounted solar panels. **[Added 11-7-2017 by L.L. No. 3-2017]**

D. Boarders and accessory apartments.

- (1) Statement of purposes.
  - (a) It is the purpose of this subsection to legalize and control boarder units and accessory apartments in single-family residences 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.
  - (b) 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.

- (c) To help achieve these purposes, and to promote the other objectives of this chapter and the Planning Principles outlined by the Planning Board, including the promotion of the health, safety and welfare of the residents of the Village of Hastings-on-Hudson, the following specific standards are set forth for boarders and accessory apartments.
- (2) Accessory uses requiring a boarder permit or an accessory apartment permit. The following uses are permitted accessory uses in an R-20 District but require a boarder permit or an accessory apartment permit issued pursuant to the provisions detailed in this section:
- (a) Boarders. (NOTE: "Boarder" is defined in § 295-5 of this chapter as follows: "Boarder" or "roomer" means a person who permanently occupies a room in a dwelling unit for sleeping purposes for which he or she pays compensation to the property owner.)
    - [1] In a single-family dwelling, not more than two nontransient boarders or roomers shall be permitted, provided that the following conditions are met:
      - [a] 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.
      - [b] 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.
      - [c] The dwelling may not have an accessory apartment, nor may any accessory apartment exist in any other building on the property.
      - [d] The dwelling shall be in compliance with this chapter and all applicable building, fire, electrical, health and other safety codes.
      - [e] 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.
      - [f] 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.
      - [g] For each boarder the property owner must obtain a boarder permit from the Building Inspector. The boarder permit may be issued by the Building Inspector 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.
  - [2] 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.

- [3] A boarder permit shall be issued for a period of not more than two years.
  - [4] 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.
  - [5] 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.
  - [6] 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.
  - [7] 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.
  - [8] 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.
  - [9] 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.
- (b) Accessory apartments. **[Amended 11-5-2019 by L.L. No. 12-2019]**

- [1] In a single-family residence, one accessory apartment shall be permitted, provided that the following conditions are met:
  - [a] The owner of the single-family residence in which the accessory apartment is to be located shall occupy one of the dwelling units on the premises as a principal

residence.

- [b] An accessory apartment shall be located in the principal building or in a conforming accessory building.
- [c] An accessory apartment shall not be permitted in a residence that houses one or more boarders or roomers.
- [d] An accessory apartment permit is to be obtained from the Planning Board. An accessory apartment permit may be issued only to the owner-occupant of the principal residence at which the accessory apartment is to be located.
- [e] An applicant for an accessory apartment permit shall furnish a site plan indicating existing building and lot conditions and a dimensional floor plan of the principal building and the proposed accessory apartment. 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.
- [f] An accessory apartment permit may be issued by the Planning Board only after the subject application is reviewed and reported upon by the Building Inspector. Such review by the Building Inspector shall include but not be limited to a physical inspection of the residence in which the accessory apartment is to be located.
- [g] The Planning Board shall conduct a public hearing on the application for an accessory apartment permit. The hearing shall be held upon the same notice as that required for a zoning variance.
- [h] The minimum floor area for an accessory apartment shall be 300 square feet, but in no case shall it exceed 33% of the floor area of the principal dwelling, unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of a particular building.
- [i] The accessory apartment shall not include more than two bedrooms.
- [j] In addition to the parking requirements for the principal dwelling and other permitted uses, one accessible and usable off-street vehicular parking space must be provided for the accessory apartment, plus one additional space for each bedroom in excess of one in the accessory apartment.
- [k] No exterior changes shall be made to the building in which the accessory apartment is located that, in the opinion of the Planning Board, would alter the single-family character and appearance of the residence.
- [l] The proposed accessory apartment shall not adversely affect the single-family character of the neighborhood. In applying this requirement, the Planning Board shall consider the effect of the proposed accessory apartment on traffic, noise, congestion, appearance and any other factor that the Planning Board deems consistent with the purposes of this subsection.
- [m] The proposed accessory apartment shall be in compliance with all applicable building, fire, electrical, health and other safety codes.



- [2] It is the intent of this section that neighborhoods zoned as single-family maintain their single-family character. The Planning Board may deny an accessory apartment permit should it find that the number of such apartments, including the one proposed, will adversely affect the character of the zoned single-family neighborhood. In granting an accessory apartment permit, the Planning Board shall have the authority to impose such reasonable conditions and restrictions as are consistent with the spirit and intent of the Accessory Apartment Law.
- [3] Every application for an accessory apartment permit shall be accompanied by a fee to be set by the Board of Trustees pursuant to § 295-152 of this chapter.
- [4] The Planning Board shall establish all rules and regulations necessary to administer the provisions of this subsection. A record of all accessory apartment permits shall be kept in the Village office.
- [5] An accessory apartment permit shall be issued for a period of not more than three 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 100 feet by regular mail, with proof of mailing provided, advising that any objection to the renewal shall be provided to the Building Department. Prior to renewal of the accessory apartment permit, the Building Inspector shall inspect the accessory apartment and determine that all the requirements of this subsection are met. Provided that no objections are received and the Building Inspector has determined that the accessory apartment is in compliance, the Building Inspector shall renew the permit for an additional three 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, and to make a determination on the application.
- [6] An accessory apartment permit shall expire automatically upon change of ownership of the principal residence or when the owner ceases to occupy the residence. In such event, the tenant of the accessory apartment shall be permitted to remain in the apartment for 60 days, if the owner of the principal residence so consents, unless the Planning Board approves an additional extension of time.
- [7] In the event that a residence with a valid accessory apartment permit is sold or transferred, the new owner may, within 60 days from the taking of title, apply for an accessory apartment permit. The new owner must meet all the requirements set forth in Subsection D(2)(b)[1] of this section in order to obtain an accessory apartment permit. If an application is submitted within the sixty-day period, the new owner shall not be deemed in violation of this subsection as long as the application is pending, notwithstanding the fact that the previous accessory apartment permit expired. Should a new owner maintain an accessory apartment but fail to apply for an accessory apartment permit within 60 days from the taking of title, the new owner shall be deemed in violation of this subsection. In addition, the new owner shall be precluded from applying for an accessory apartment permit for a period of one year from the date on which title was transferred.
- [8] Any owner or builder, or agent of either of them, who fails to obtain an accessory apartment permit, who allows occupancy of an accessory apartment in violation of

this subsection or who constructs or causes to be constructed an accessory apartment shall be guilty of an offense punishable by a fine of not less than \$1,000. 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 or any condition imposed by the Planning Board in granting the permit shall be subject to the revocation of the accessory apartment permit by the Planning Board.

- E. Minimum lot size and width. Subject to the provisions of Subsections A through D, all lots in an R-20 District shall have an area of at least 20,000 square feet and a width of at least 150 feet.
- F. Required yards; maximum building height and coverage.
  - (1) Subject to the provisions of Subsections A through D and § 295-82C, each building and structure in an R-20 District shall have:
    - (a) A front yard at least 40 feet deep;
    - (b) A rear yard at least 40 feet deep (eight feet in the case of accessory buildings and structures, except 15 feet in the case of accessory garden houses, toolhouses, playhouses, greenhouses and similar accessory uses, and 20 feet in the case of swimming pools, as required by § 295-52A);
    - (c) Two side yards totaling at least 50 feet, each of which yards is at least 20 feet (eight feet in the case of accessory buildings and structures); and
    - (d) Maximum heights. [**Amended 4-6-2021 by L.L. No. 1-2021**]
      - [1] For principal buildings and structures with pitched roofs, including gable, hip, shed and gambrel roofs:
        - [a] A maximum wall height at the low point of the roof, as measured to the roof edge or top plate, whichever is higher, not to exceed 23 feet;
        - [b] A maximum roof height of 35 feet and no more than 2 1/2 stories;
        - [c] dormers are permitted to encroach on the maximum wall height, as defined above, up to a maximum overall width of 25% of the total building perimeter.
      - [2] For principal buildings and structures with flat roofs: maximum height of 24 feet and no more than two stories.
      - [3] For accessory buildings and structures with pitched roofs:
        - [a] The maximum wall height at the low point of the roof, as measured from the roof edge or top plate, whichever is higher, not to exceed 10 feet;
        - [b] a maximum roof height of 15 feet.
      - [4] For accessory buildings and structures with flat roofs: a maximum height of 12 feet.
  - (2) Lot coverage. [**Amended 8-5-2008 by L.L. No. 24-2008**]
    - (a) For single-family dwellings:
      - [1] Building coverage shall not exceed 15% of the area of the lot.

[2] Development coverage shall not exceed 25% of the area of the lot.

(b) For all other uses, all buildings and structures on the lot shall together cover not more than 15% of the area of the lot.

G. Maximum floor area ratio. The maximum floor area ratio shall be as set forth in the table attached as Appendix B. **[Added 10-20-2020 by L.L. No. 10-2020]**