



Town of New Paltz  
Town Clerk/Tax Collector  
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March 8, 2024

State Records & Law Bureau  
Department of State  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231-0001

Attn: Secretary of State

Dear Honorable Secretary of State:

I have enclosed material for the Town of New Paltz pertinent to filing year 2024, Local Law #1 entitled, "A Local Law to Repeal Section 140-17, "Accessory Apartments" of Article III of Chapter 140, "Zoning" of the Code of the Town of New Paltz and to Replace It With A New Section 140-17, "Accessory Dwelling Units."

Please feel free to contact me at the above number should you have any questions.

Sincerely,

Rosanna Rosenkranse  
Town Clerk

Enc.



NEW YORK STATE DEPARTMENT OF STATE  
Local Law Filing 162 WASHINGTON AVENUE, ALBANY, NY 12231

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

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

County

City

Town of New Paltz

Village

Local Law No. 1 of the year 2024

A Local Law To Amend Section 140-17, "Accessory Dwelling Units" of Article III of Chapter 140, "Zoning" of the Code of the Town of New Paltz.

Be it enacted by the Town Board of the

County

City

Town of New Paltz as follow:

Village

Section 1. Amendment

Sub-paragraph (e) of Paragraph (3) of Subdivision B of Section 140.17, "Accessory Dwelling Units" of Article III of Chapter 140, "Zoning" of the Code of the Town of New Paltz is hereby amended to read as follows:

(e) An accessory dwelling unit shall be subordinate to the principal residential structure and shall contain not greater than 45% of the total of the legally finished area of the principal dwelling unit for which a building permit and certificate of occupancy was issued. In any case, no accessory dwelling unit shall be less than 350 square feet. A "tiny house home," as defined in the New York State Uniform Fire Prevention and Building Code, that is constructed on a movable frame may not be used as an accessory dwelling unit. Accessory dwelling units must be constructed on a permanent foundation.

Section 2.

Paragraph (6) of Subdivision C of Section 140.17, "Accessory Dwelling Units" of Article III of Chapter 140, "Zoning" of the Code of the Town of New Paltz is hereby amended to read as follows:

(6) An accessory dwelling unit shall be subordinate to the principal residential structure and shall contain not greater than 45% of the total of the legally finished area of the principal dwelling unit for which a building permit and certificate of occupancy was issued. In any case, no accessory dwelling unit shall be less than 350 square feet.. A "tiny house home," as defined in the New York State Uniform Fire Prevention and Building Code, that is constructed on a movable frame may not be used as an accessory dwelling unit. Accessory dwelling units must be constructed on a permanent foundation.

### Section 3. Purposes and Intent

The purpose of this local law is to increase housing affordability and create a wider range of housing opportunities in residential neighborhoods by allowing more efficient use of existing housing and infrastructure by removing the 900 square foot size limitation of accessory dwelling units within an existing one-family dwelling or existing accessory structure (Sub-paragraph (e) of Paragraph (3) of Subdivision B of Section 140.17) and within accessory dwelling units attached to an existing one-family dwelling, detached residential accessory structure or newly created accessory structure (Paragraph (6) of Subdivision C of Section 140.17).

### Section 4: Severability

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

### Section 5. Effective date

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

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2024 of the (County)(City)(Town)(Village) of New Paltz was duly passed by the Town Board on March 7, 2024, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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

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

**3. (Final adoption by referendum.)**

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

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

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

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

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

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

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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

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

Date: March 11, 2024

(Seal)