



Accessory Dwelling Unit Pilot Program

Town of Amherst Planning Department

5583 Main Street, Williamsville, New York 14221

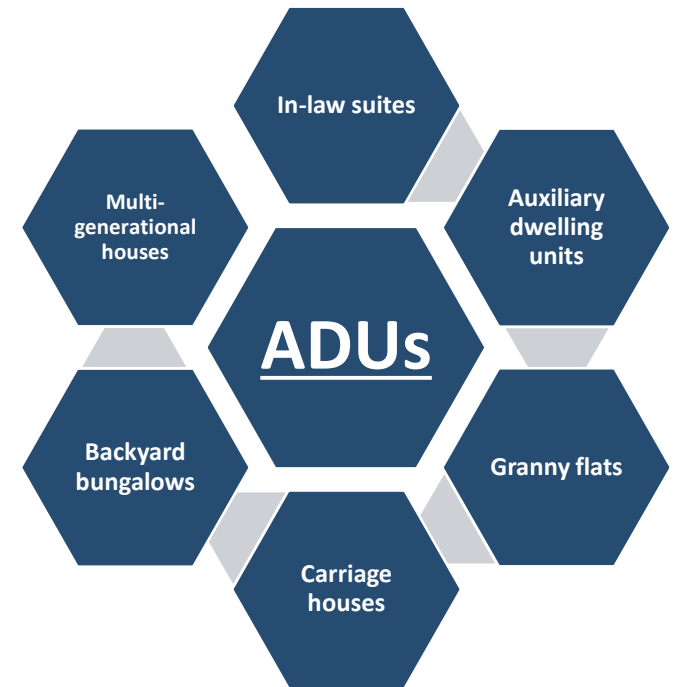
OUTLINE

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- What's an Accessory Dwelling Unit?
- About the Grant
- Application Procedures
- Eligibility Criteria
- Design & zoning scenarios
- Bidding Procedure
- Construction Management
- Post Construction Obligations
- Q & A

Accessory Dwelling Units

Accessory Dwelling Unit (ADU)

A smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home



About the Grant

Grantor- NYS Homes and Community Renewal & The Housing Trust Fund Corporation (HCR)

Grantee- Town of Amherst Planning Department and Community Development Division

Nonprofit Partner- Belmont Housing Resources for WNY Inc.



About the Program


- Maximum award of \$125,000 forgivable grant
- Awardees will be expected to sign a program agreement and record a restrictive covenant
- Awarded homeowners will be provided assistance with:
 - ADU design and permitting
 - Environmental site clearance
 - Cost estimation
 - Contractor bidding & selection
 - Construction management & Soft Costs
 - Final inspections & Certificate of Occupancy



What are the costs of the program?

- This is a competitive grant award process, up to 6 projects will be funded in this round.
- Looking to award either new ADUs or rehabilitation of an existing unit
- \$125,000 is the maximum award amount (includes soft costs)
- Awardees will have to cover the gap costs if costs of project exceed this amount
- Grant is forgivable if terms of the program agreement are met
- Program Terms/Restrictive Covenants:
 - Ten-year forgivable loan term (forgiven at 10 years - final cost of award)
 - Resale of home restrictions (100% Area Median Income buyers) or pay-off
 - ADU occupancy requirement and good-faith effort to rent and maintain property in good condition

What is the process to apply?



TOWN OF AMHERST




**ACCESSORY DWELLING UNIT (ADU)
PILOT PROGRAM**

APPLICATION FORM

Return to:
Amherst Planning Department
5583 Main Street
Williamsville, NY 14221
(716) 631-7082

Applications due by 4:00 PM on January 19, 2024

Name: _____ Address: _____
Date Application Received: _____ Date Deemed Complete: _____



Homes and
Community Renewal

5583 Main Street • Williamsville • New York • 14221 • (716) 631-7082 • Fax (716) 631-7153

Application Submission

- Complete applications due February 14, 2025 at 4:00PM or until 6 awarded.
- Submitted to the Planning Department
- In person submissions are highly encouraged

Application Review

- Review for accurate and complete information with supporting documentation
- Reviewed for Basic Thresholds and Income Qualification

Selection Committee Review

- Eligible applications are evaluated for project feasibility (e.g. zoning, level of need, affordable tenancy, etc.)
- A site visit by the Selection Committee is possible to verify site conditions



Eligibility Criteria

Qualifying households must meet ALL of the following:

- ✓ Located in the Town of Amherst (excluding the Village of Williamsville*)
- ✓ Household income less than or equal to 100% Area Median Income
- ✓ Property's zoning district allows ADUs "by-right" or through a Zoning Board of Appeal Special Use Permit
- ✓ Owner occupies the subject property at least 60% of year
- ✓ Owner is willing to maintain ADU occupancy and follow good-faith solicitation practices for the ADU if unit goes vacant

*Village of Williamsville has an application pending to the State for Funding an ADU program



Eligibility Criteria (Cont.)

Qualifying households must meet ALL of the following:

- ✓ Property is current on all applicable debts & does not have a reverse mortgage
 - Taxes
 - Mortgage, HELOC
- ✓ No current property maintenance code violations
- ✓ Completed ADU or principal shall not be used as a short-term home rental
- ✓ Property will not host more than one ADU upon completion

Income Eligibility

Qualifying projects must have a gross household income* of 100% AMI or less

Income Verification Documents

- ✓ Business/employment earnings
- ✓ Rental income
- ✓ Pension/retirement
- ✓ SSI
- ✓ Veteran benefits
- ✓ Alimony payment
- ✓ Child support
- ✓ Disability/ workers comp
- ✓ IRA or income from investments (required distribution)
- ✓ Aid to dependent children

**Gross household income - All income of earning members of the household*

Household Size	Median Income (100% AMI)
1	\$67,900
2	\$77,600
3	\$87,300
4	\$96,900
5	\$104,700
6	\$112,500
7	\$120,200
8	\$128,000

Required Household Income Documentation

- ✓ Copy of year-end or current statements for all investments/ IRAs for all household members
- ✓ Documentation of property owner's U.S. citizenship or legal resident status
- ✓ Copy of current homeowners insurance policy
- ✓ Copy of last 3 months of bank statements for all income earning household members
- ✓ Complete, signed copy of federal income tax returns from previous year, including ALL attachments, for ALL household members
- ✓ Copy of W-2 statements for the previous year for all income earning household members

Required Household Income Documentation (Cont.)

- ✓ Copy of last 2 months of consecutive pay stubs for all income earning household members
- ✓ Copy of current mortgage/ home equity statement with outstanding balance & last payment made
- ✓ Copy of Child support award or divorce decree with alimony stating amount of support received, if applicable
- ✓ Copy of form DD-214 for honorable discharge from military service, if applicable
- ✓ Copy of college schedule or transcript for household members attending college full-time
- ✓ Copy of most recent property survey (explained next)
 - ✓ Property surveys can be found in your property purchase closing documents

Project Feasibility

A Town selection committee evaluates and awards projects based on eligibility and project feasibility based on the following categories:

- **Zoning**
 - ✓ Does the proposed ADUs meet zoning code and dimensional standards?
- **Occupancy & affordability**
 - ✓ Will the proposed ADU be occupied/ rented below market rate?
 - ✓ Will the proposed ADU provide affordable housing to vulnerable populations?
- **Expected project costs**
 - ✓ Are the costs of the proposed project within the grant maximums?
 - ✓ If not, are gaps in the project cost able to be covered by the homeowner?
- **Affordable tenancy**
 - ✓ Is the project housing a tenant of low-to-moderate income or a vulnerable population
- **Proximity to public transit**
 - ✓ Is the project within a ¼ mile of NFTA or UB Student Transit stop?

Where are Accessory Dwelling Units Allowed?

ADUs may be located within or attached to a single family home in the following zoning districts:

- Residential District Two (R-2)
- Residential District Three (R-3)
- Cluster Residential District Three-A (CR-3A)
- Residential District Four (R-4)

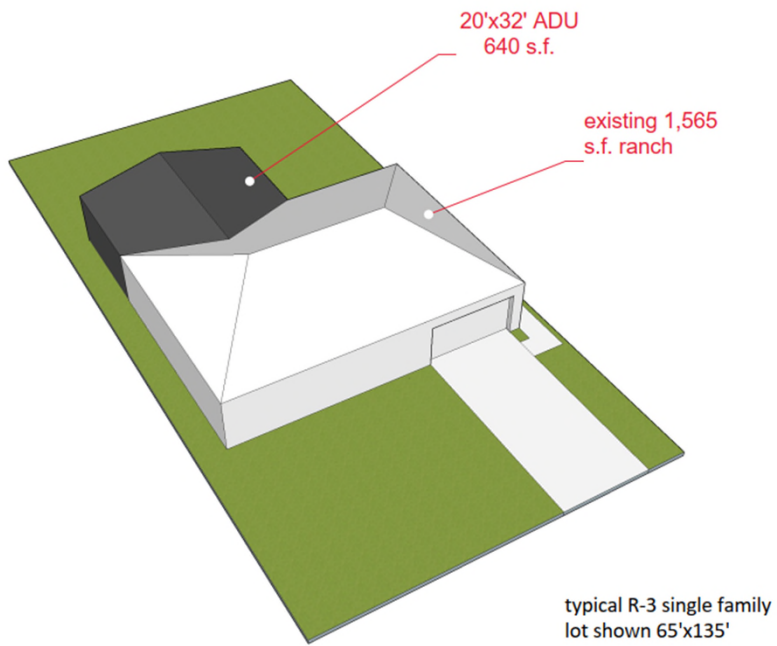
ADUs may be located within, attached, or detached from a single family home in the following zoning districts:

- Rural Residential (RR)
- Suburban Agricultural (SA)
- Residential District One (R-1)

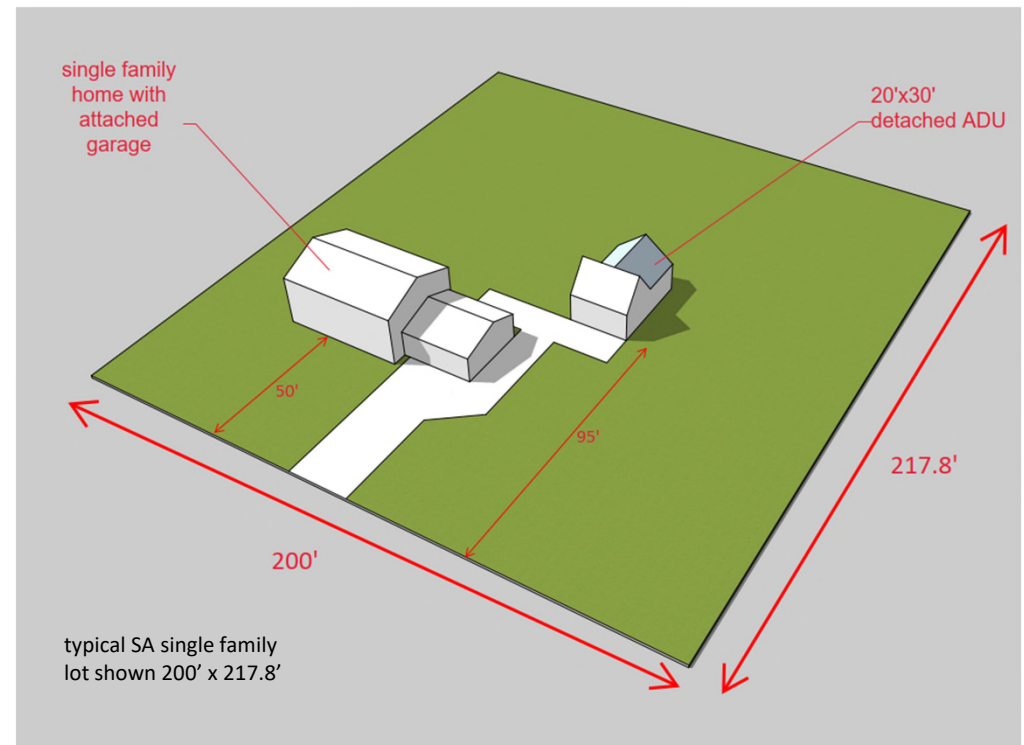
** If you don't know your zoning district, call the Planning Department (716) 631-7051*

ADU Design

ATTACHED ADU



DETACHED ADU



Zoning Standards for ADUs

Size of Principal Dwelling (Does not include attached garages)	Max ADU Size
1000 sqft or less	500 sqft (also minimum size)
1250 sqft	612 sqft
1500 sqft	735 sqft
1750 sqft	857 sqft
2000 sqft or more	900 sqft

- ADUs shall be a minimum of 500 sq. ft and the accessory dwelling unit shall not exceed 49% of the gross floor area of the principal dwelling up to 900 sq. ft.
- The principal dwelling or accessory dwelling unit must be owner occupied.
- Parking must be provided for an ADU.
 - Driveways shall not be expanded.
- Must acquire a Special Use Permit from Zoning Board of Appeals


Zoning Standards for *Detached ADUs*

- The minimum separation from the principal structure shall be 10 feet.
- Detached accessory dwelling units must have the same roof style as the principal dwelling.
- Height cannot exceed height of principal dwelling
- A detached accessory dwelling unit shall not be located in front of the principal structure.
- All other ADU standards apply, including the size restriction

Special Use Permits

What is a special use?

- A use allowed within a certain zoning district that requires a second look by the Zoning Board of Appeals.
- Special Use Permits are issued by the Zoning Board of Appeals after a public hearing.



Special Use / Temporary Use / Administrative Appeal
Town of Amherst – Planning Department

Type of Request

<input type="checkbox"/> Special Use Permit (SUP)	<input type="checkbox"/> Auxiliary Housing Unit (SUP)
<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Raising Chickens (SUP) Section 6-8-9
<input type="checkbox"/> Appeal under Section 280-a(3) of NYS Town Law	<input type="checkbox"/> Restricted Parking Lots (SUP) Section 7-1-9B(2)(b)
<input type="checkbox"/> Telecommunications Facility (SUP)	<input type="checkbox"/> Bed & Breakfast (SUP)
<input type="checkbox"/> Type 2 Home Occupation (SUP)	<input type="checkbox"/> Public Utility Service Structure or Facility (SUP)
<input type="checkbox"/> Dormitory, fraternity or sorority house (SUP)	<input type="checkbox"/> Administrative Appeal

Applicant Information

Property Owner Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Applicant Name(s): _____

Phone Number: _____ Email: _____

Address: _____ City: _____ State: _____ Zip: _____

Property Information

Assessed Address: _____

SBL No.: _____ Zoning District: _____

I have the following conflicts pursuant to section 809 of the General Municipal Law as follows (see conflict disclosure on back of instruction page)

Office Use Only

The applicant is appealing the decision of the Zoning Enforcement Officer to not approve a

Appl. No. _____

TOWN CLERK USE
DATE: _____
TIME: _____
RECD BY: _____

Date Filed: _____ Mtg. Date: _____ Accepted By: _____

8/15/2021 11:28AM C:\Users\jplanning\Documents\Special Use Application 07_20_2021.docx 1 of 2

Once Selected

Preliminary Grant Awards

- Attend Award pre-Design- review process, next steps, and ask questions
- Execute homeowner local program agreement

Environmental Review

- SEQR and if applicable, NEPA Review
- Prior to funding Planning Staff must conduct an environmental review and complete an Environmental Certification
- If certain environmental conditions are found, corrective actions may be incorporated into the ADU Scope-of-Work OR the project may be considered ineligible and the homeowner agreement will be terminated

Design

- After environmental review, awardees will hire a local architect to work with and develop an ADU design
- The Architect will develop drawings along with necessary technical needs and preliminary cost estimates

Environmental Review – What to Expect

Common		Uncommon		
Historic/ Cultural Resources <ul style="list-style-type: none"> • Applies to properties over 50 years old. • State Historic Preservation Office (SHPO) review required for historic consistency. • Design may have to adhere to historic standards. • Local “blue-rated” properties with demolition require local Historic Commission consistency approval. 	Site Contamination <ul style="list-style-type: none"> • <u>Lead Paint</u>: applies to pre-1978 property renovation. • <u>Asbestos</u>: applies to disturbance to potential asbestos containing materials • Risk Assessment will be completed to test and ID lead paint and asbestos. • Mitigation plans will be developed. • Post construction clearance required. 	Flood Plain <ul style="list-style-type: none"> • Applies to properties in Special Flood Hazard Areas (SFHA). • May have to make special design accommodations for flooding if located within the SFHA. 	Agricultural Districts <ul style="list-style-type: none"> • Applies to properties located in and within 500 ft. of an Agricultural District. • Requires consultation with NYS Dept. of Agriculture and Markets. 	Coastal Zone <ul style="list-style-type: none"> • Applies to properties located within the Town’s Local Waterfront Revitalization Area. • Requires analysis to evaluate consistency with waterfront policies (in LWRP).



Design: Architectural

- A local licensed Architect will prepare a schematic design
 - Town prequalified Architects
 - Homeowners are allowed up to 4 rounds of revisions
- “By-right” Zoning Projects - Following sign-off on the final design by the homeowner, construction drawings and specifications will be prepared
- Special Use Permit Zoning Projects - Following sign-off, the architect will prepare an application to the Amherst Zoning Board of Appeals (ZBA)

Note: Revisions or additional conditions may be requested by the ZBA in order to grant a Special Use Permit



Design: Technical Needs

- Technical documents will be prepared as necessary to aid design and construction
 - Property surveys
 - Geotechnical and soil borings
 - Engineered beam/ load calculations
 - Concrete testing
- Additional upgrades may be necessary to accommodate the ADU
 - Electrical service
 - Egress (Separate entry & exit locations)
 - Smoke & CO2 detectors
 - Grading & sanitary/ storm connections

Note: *Considered eligible construction costs under the grant*



Design: Estimation of Cost

- A preliminary budget will be prepared based on market area construction costs per square foot
- Final design budget is specified as a final scope-of-work is more refined
- If the preliminary or refined budget comes close to or over the maximum grant award, approved applicants will have to demonstrate the ability to absorb the overage
- Possible Options:
 - Cash-on-hand (i.e. savings)
 - Bank construction loan or other financing tool approved by a lender (i.e. Home equity line of credit HELOC))

Bidding

Final Design

- Architect prepares construction specifications and materials for bidding.
- Special Use permitting completed as necessary.

Bidding

- Belmont will manage the bidding process with the homeowner and the homeowner will select the contractor from lowest bidder (or within 10% of bid).
- The homeowner is required to execute the prepared AIA construction agreement with the selected contractor.

Notice to Proceed

- A Notice to Proceed will be issued by Belmont upon confirmation that all the proper insurance forms have been received.

Construction Management

Construction Management

- **The selected Architect will...**
- File for building permits with the Amherst Building Department

- **Then the selected Contractor will...**
- Coordinate with the Construction Manager from Belmont Housing Resources and the Homeowner(s) regarding construction staging locations, day-time operations, and utilities shut-offs
- Coordinate with tenants on such disruptions if applicable

Construction Oversight

- **Belmont's Construction Manager will...**
- Oversee contractor's day-to-day construction activities and work completed
- Update the Town on progress of the project
- Coordinate inspection appointments by Town Building Inspectors
- Approve satisfactory progress payments to the contractor
- Address any concerns brought up by the homeowner and confirm if change orders are necessary

Construction Invoicing

- Construction stage invoices will be paid by the Town directly to the contractor or sub-contractor, with signature approval required by the homeowner, Belmont Construction Manager, and Amherst ADU Program Manager
- 10% of the construction contract shall be held aside pending final inspections and receipt of a Certificate of Occupancy from the Amherst Building Department.

Occupancy & Approval

Special Clearances

- Construction Manager will arrange an energy efficiency blower test, duct-clearance test, and/or a lead-based paint clearance test (if applicable)

Walk-through & Punch-list

- Construction Manager will arrange a walk-through with the homeowner and contractor to develop a punch-list of any outstanding minor fixes/corrections necessary before final inspections

Certificate of Occupancy

- Town Building Inspectors will complete the final inspection to issue the Certificate of Occupancy and close any open-permits
- Construction Manager and homeowner may sign-off on the final invoice for payment



Post Construction Obligations

Every Two Years- Special use permit must be renewed with the Town Building Department

Regulatory Period - 10 Years from the issuance of the Certificate of Occupancy

1. Maintain property in good condition
2. Occupied year round
3. Make good faith efforts to fill unit with tenant if the unit goes vacant
4. In the case of a sale, the property shall be sold to an individual(s) who are no more than 100% of the area median income or the funds will be subject to repayment

Homeowner files with the Erie County Clerk:

1. Restrictive Covenant

Restrictive Covenant

- Recorded against your Property Deed @ Erie County Clerks Office
- Establishes 10-year grant regulatory term, forgiven at 10% a year
- Enforces ADU occupancy requirements and resale requirements
- Resale limited to a buyers household under 100% Area Median Income (or payoff)
- Can only be Removed if:
 - 10-year term is completed
 - Sale of property with a pay-off of grant remainder
- Must be recorded by the Owner upon completion of construction (approx. cost \$75)

On-Going Monitoring (10yr term)

Verification of Owner Occupancy

Owners must submit a signed statement with supporting documentation annually acknowledging ownership and occupancy of the principal dwelling-unit on the property

Verification of ADU Occupancy

Owners must submit documentation verifying the ADU's occupancy year-round (utility bills, licenses, leases, etc.).

Good-faith Efforts for Rental Advertising

If unoccupied, owners must provide documentation of efforts made seeking tenants to occupy the unit (rental ads/listings).

On-Going Monitoring Part (Cont.)

ADU Household Income & Affordable Rent Verification

If application was considered on the basis of providing an affordable unit, documentation will be required annually verifying the household income and lease value for the ADU.

Special Use Permit Renewal

If the ADU was permitted according to a Special Use Permit, the permit must remain in good-standing for the entirety of the ADU's occupancy (renewal is required every 2 years).

Insurance

Homeowners are required to maintain adequate homeowner's insurance on the principal structure and the accessory dwelling unit including the "Town of Amherst 5583 Main Street, Williamsville, NY 14221" as additionally insured on the policy.

*****Note: Special use permit must be maintained over the life of ADU***

Landlord & Renters Rights Workshop

- Awardees shall be required to attend a Landlord Training Webinar offered for free by Housing Opportunities Made Equal
- Webinar educates attendees on NYS laws regarding landlord's and tenant's rights, as well as fair housing

HOME
Housing Opportunities Made Equal

ON DEMAND

LANDLORD TRAINING

WEBINAR

Landlord Training
(includes Certificate of Completion)

WE WILL DISCUSS:

- FAIR HOUSING LAWS & PROTECTED CLASSES
- LANDLORD RIGHTS & RESPONSIBILITIES
- LAWS & LOCAL ORDINANCES
- EVICTIONS & SMALL CLAIMS COURTS
- Q&A AND MORE!

Register online at: www.homeny.org/landlordtraining

What are the responsibilities of the homeowner?

1. Participate in the program in a timely manner and make the property available for scheduled construction work as needed/reasonable.
2. Help inspect their house and point out problems or concerns upfront that may be relevant to the ADU's design and construction to the Architect.
3. Sign the Construction Agreement with the contractor and sign and record the Program's Restrictive Covenant.
4. Inspect and approve work performed by their contractors, and approve payments made to their contractors.
5. Work with the construction manager and contractors to settle disagreements during the job.
6. Communicate with their contractors to ask them to correct problems covered by contractor warranties during the first few years after the job has been completed (for items subject to warranties).
7. Take Landlord Training Webinar offered for Free by Housing Opportunities Made Equal regardless if you intend to charge rent for the unit.

What should I understand before participating in the program? (Cont.)

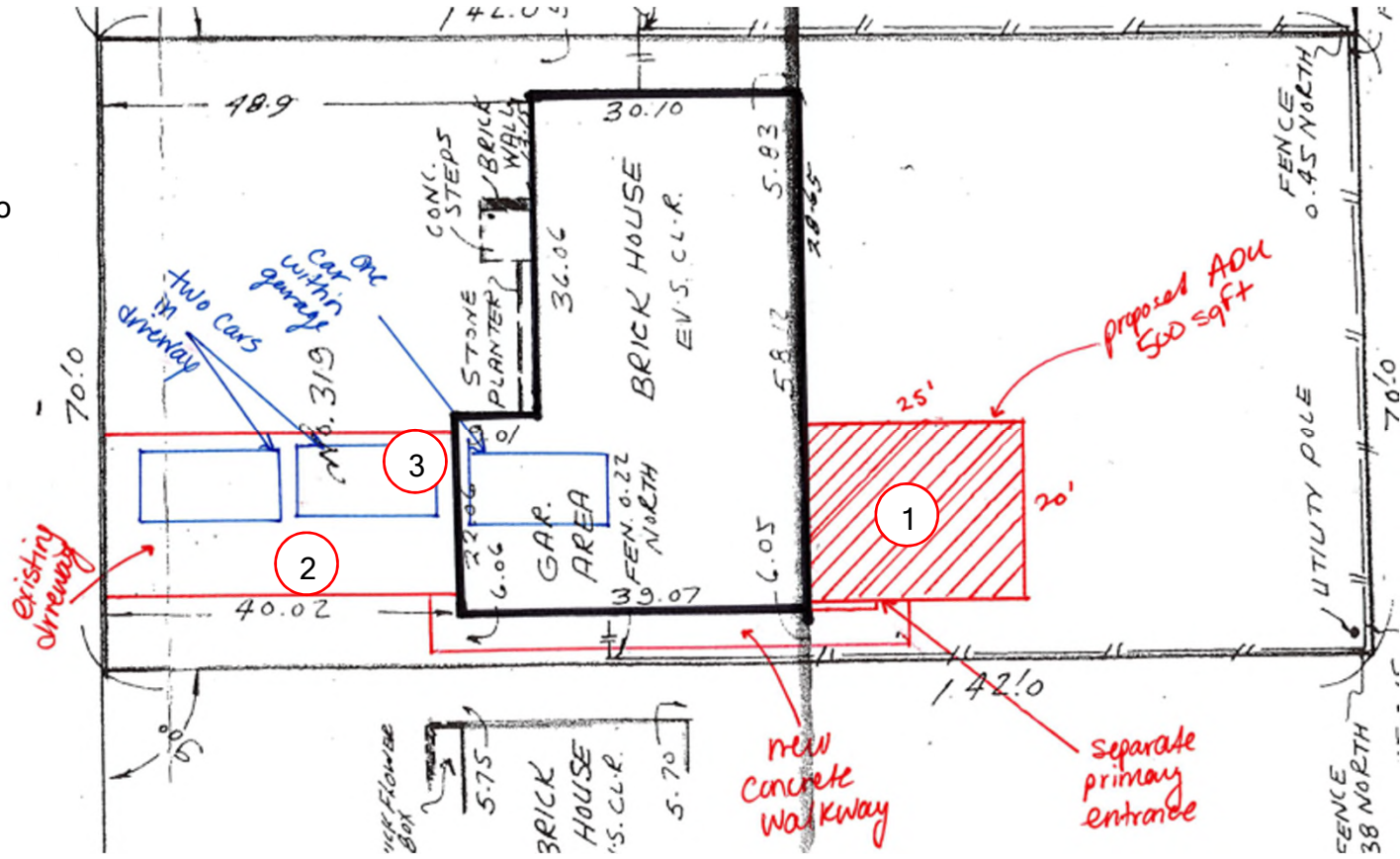
- Don't expect all floors, walls, ceilings, doors, windows, etc. in older houses to be completely plumb, level and square when work is completed
- Sometimes it can be stressful living in a house while a contractor is performing work
- Very few times in life is anyone completely satisfied with things they buy or have repaired. Buying a house or having a house renovated is no different
- Contractors will be using homeowner's utilities (electricity, water) at certain times during construction, which may result in higher monthly bills
 - There may be times where utilities are shut off for short periods to complete electrical, plumbing or heating work

What should I understand before participating in the program?

- Houses built over 50 years ago are subject to a State Historic Preservation Office (SHPO) review
 - Interior and exterior photos of the property may be required
 - Restrictions may be placed on renovations related to placement of windows or materials used if they are found to have an impact on SHPO designated historic features
- The Town is NOT a contractor, does NOT recommend contractors and CANNOT guarantee that homeowners will be satisfied with the work done by their contractors

Example Survey

- Primary Dwelling = 1030 sqft
- Max ADU Size = **504 sqft**
- Must have 1 parking space for ADU & two for primary residence
- ADU must have separate entrance
- ADU must meet all applicable setbacks



Survey markup must include:

1. Location & size of ADU
2. Location of driveway (if not shown)
3. Number of cars & associated spots

Questions?

How to Reach Us

Daniel Ulatowski, Assistant Planning Director | Zoning Enforcement Officer dulatowski@amherst.ny.us

Laurie Stillwell, Principal Planner | Community Development Director lstillwell@amherst.ny.us

James Quinn, Assistant Planner jquinn@Amherst.ny.us

Planning Department: (716) 631-7051