



The City of New York

Queens Community Board 11

Serving the Communities of Auburndale, Bayside, Douglaston, Hollis Hills
Little Neck and Oakland Gardens

Michael Budabin **Chairperson** / Joseph Marziliano **District Manager**

To: All Board Members
From: Albert Galatan
Date: June 3, 2021
Re: Government Affairs/Legal

On Tuesday, May 25, 2021, the CB11 Government Affairs/Legal Committee held a meeting to discuss two proposed bills regarding Accessory Dwelling Units (ADU)

Present

Committee Members

Albert Galatan, Committee Chair

Henry Euler, 3rd Vice Chair

Fleur Martino

Michael Golia

Adriana Aviles

John Kelly

Sam Wong

Allan Palzer

Board Members, Non-Committee Members

Christina Scherer

Jessica Burke

Jason Chen

Jena Lanzetta

CB11 Staff

Joseph Marziliano, District Manager

Christina Coutinho, Community Associate

Special Guests

Alec Scherenbeck – representing State Senator Harchkam

Joelle Foskett - representing State Senator Harchkam

Shiang Liu – representing State Senator Liu

Akshar Patel – representing State Senator Liu

Mr. Galatan opened the meeting by stating that tonight's discussion will be regarding two bills that Mr. Euler has mentioned in prior meetings; New York State Assembly Bill 4854 and New York State Senate Bill 4547. Mr. Galatan prepared a digest with highlights.

Shiang Liu, representing State Senator Liu, stated that the bills are not in the final stage, therefore, adjustments can be recommended. Mr. Liu introduced Joelle Foscett, representing State Senator Harckham. Ms. Foscett said that these bills are to add more accessory dwelling units (ADU). She said there will be a roundtable meeting this summer to clear up the language of the bills.

An ADU is a smaller, independent residential dwelling unit located on the same lot as a dwelling. Alec Scherenback, representing State Senator Harckham, stated that the idea is to legalize units that can be used for several reasons; (i.e., care for elderly parents, have parents help with child-care).

Mr. Galatan reviewed his digest which is attached to this report. The items in *italic*, are areas that raise concern that Mr. Galatan has highlighted for comment.

Ms. Aviles asked for a clear explanation of what can be constructed. Ms. Foscett stated that a homeowner can covert a portion of their existing home to meet the building code standards for ADU. The existing dwelling does not have to be detached. Mr. Scherenback stated that this could apply to a garage, basement, or a separate area that has its own entrance. The details are being left to local municipalities.

Mr. Euler asked about language in the bill that states “authorization to create at least one ADU per lot”. Mr. Scherenback said that means that a municipality must make it possible that a residential lot is eligible for at least one ADU. He also said that not every lot is going to meet the requirements in the local and State laws for an ADU. Mr. Euler said if a homeowner built an ADU on their lot, it would change current zoning laws. Mr. Scherenback said that local zoning law would have to be changed to allow for eligibility of an ADU. Ms. Foscett spoke regarding examples in Westchester County. Mr. Euler said there is no parking requirements and that will cause a problem in Queens/Citywide. Mr. Marziliano stated that northeast Queens is a transportation desert. Ms. Foscett said that they are looking into language for legal parking all year long. Mr. Marziliano stated that extra resources would be needed because of the higher density (i.e., school, DSNY). Ms. Aviles stated that schools are already over capacity. She stated that the City is not responsive for additional funding; if ADU’s become legal, we can’t rely on the City to give funding after the fact.

Mr. Liu stated that the way he understands the bills, the locality can control the restrictions. He asked Ms. Foscett to give details on what can be built. Mr. Galatan said that there is language in the bill that states “in no case shall such standards unnecessarily impair the creation of an accessory dwelling unit”. Mr. Galatan asked if hard standards will be imposed. Mr. Scherenback said the bills are still in draft phase and that language is there so a locality cannot make it impossible to create an ADU.

Mr. Chen asked if there are limitations on who can add an ADU; can homeowners purchase a property, add an ADU and then flip the property. Ms. Foscett said they are looking into language that the homeowner must own the property for one year but there is language to protect for that.

Mr. Kelly said he understands this is needed but there must be a focus on resources (i.e., water waste). He asked how the bills will avoid AirBNB rentals? Ms. Foscett said that a 30-day
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lease is required for a tenant that is not family. Discussion ensued regarding inspections and enforcement by the NYC Dept. of Buildings.

Ms. Foskett said that if there is language in the bills that the Board has a suggestion to change or language to be added, please contact Senator Liu to forward changes.

Mr. Galatan has updated his digest with the information received and will distribute to Board Members.

Mr. Marziliano suggested an advisory letter or letter of edits with the some of following concerns: extra funding, quality of life, increase in density and parking. He also asked if the application could be forward to the CB's for recommendation and/or an advisory opinion. Discussion ensued regarding enforcement. How will lease agreements be monitored?

Mr. Galatan said that he wanted to be informed of the roundtable meeting and receive updates.

Ms. Aviles suggested language stating that ADU's are for owner-occupied properties. This will also avoid subletting.

The Committee discussed having an opt-out option.

Mr. Euler said that the community and CB have worked very hard with zoning issues and changes. How will this effect current zoning requirements?

Discussion ensued regarding Section 8 of the bills. Mr. Galatan said the application has a 60-day review process in order to approved a site for am ADU.

Mr. Galatan said that since the bill is in draft, he suggested a letter over a resolution.

Mr. Euler made a motion to forward a letter with concerns discussed and once this bill is finalized then the CB will come up a resolution either in favor or against. Mr. Galatan seconded the motion. A committee roll call vote was taken resulting unanimously in favor.

The meeting adjourned.