

**TOWN OF SOUTHEAST
CONDITIONAL USE PERMIT APPLICATION
FOR A NEW ACCESSORY APARTMENT**

This booklet contains the following forms:

1. Application for Conditional Use Permit for New Accessory Apartment
2. Copy of Town of Southeast Zoning Regulations concerning Accessory Apartments
3. Copy of Board of Health Regulations regarding adding room/bedrooms

All applicants are urged to read and study the enclosed information and submit only a complete application, referring also to the specific requirements for submission as outlined in the zoning Ordinance of the Town of Southeast. An application will not be deemed complete and placed on an agenda until all of the required information is submitted. An application will consist of the following:

1. Ten (10) copies of the Application Form
2. Ten (10) copies of the Floor Plan for the Principal Dwelling and the Accessory Apartment
3. Ten (10) copies of the Plot Plan showing the parking for the Principal Dwelling and the Accessory Apartment
4. Ten (10) copies of the Certificate of Occupancy, if one has been previously issued.
5. Long Environmental Assessment Form
6. Application fee of \$125.00, and the Conditional Use Permit Review Fee of \$200.00 submitted to the Planning Board Secretary at the time of the submission payable to the "Town of Southeast".

The copies of the submission are to be disbursed as follows:

One copy of each of the above mailed to each of the Planning Board Members (see attached list)

One copy of each of the above mailed to the following:

Building Department	Nathan Jacobson & Associates
Town of Southeast	86 Main Street, Box 337
67 Main Street	Chester, CT 06412
Brewster, NY 10509	(Town Engineer)

The remaining copy is to be submitted to the Planning Department. All applications must be submitted **15 working days prior to any meeting** in order to be placed on an agenda. Remember, only complete applications will be reviewed and placed on an agenda.

Thank you for your cooperation.

TOWN OF SOUTHEAST
PLANNING DEPARTMENT
APPLICATION FOR CONDITIONAL USE PERMIT
FOR A NEW ACCESSORY APARTMENT

DATE OF APPLICATION: _____

NAME OF APPLICANT/OWNER: _____

TELEPHONE NUMBER OF APPLICANT/OWNER: _____

LOCATION OF ACCESSORY APARTMENT: _____

TAX MAP NUMBER: SECTION: _____ BLOCK: _____ LOT: _____

Does the lot containing the Principal Dwelling contain five (5) acres or more? _____
If so, what is the acreage? _____

What is the total floor area of the Principal Dwelling? _____
Of the Proposed Accessory Apartment? _____

How many bedrooms are proposed for the Accessory Apartment? _____

Where will the second entrance be located for the Accessory Apartment? _____

Will there be adequate space to provide at least three (3) parking spaces for year-round use on the lot? _____

Do you have the approval of the Putnam County Department of Health for water supply and sewage disposal? _____ If so, provide a copy of the approval. (No accessory apartment or accessory dwelling unit shall be allowed in a district served by community sewage disposal system)

Have you provided floor plans of the Principal Dwelling and the Accessory Apartment to the Planning Department and the Building Inspector? _____

Have you made an appointment with the Building Inspector to inspect the premises and if so, has he provided you with a written report of such inspection to be given to the Planning Board? _____

(See attached copy of the Town of Southeast Zoning Code of 138-22 and 138-56.1 for further information regarding the Terms and Conditions for Accessory Apartments)

FEES FOR ACCESSORY APARTMENTS

Review Fee (including \$40 for C.O. Approval from the Building Department) - \$125.00

Conditional Use Fee - \$200.00

Renewal of Conditional Use Permit Fee - \$75.00

PLANNING BOARD MEMBERS ADDRESS LIST

George Rohrman
19 Rockledge Drive
Brewster, NY 10509

David Rush
81 Allview Avenue
Brewster, NY 10509

Charles Tessmer
37 Scenic Ridge Drive
Brewster, NY 10509

Michael Manteo
60 Peach Lake Road
Brewster, NY 10509

Philip Wissel
8 Sherry's Lane
Brewster, NY 10509

Dan Armstrong
1001 Somerset Knoll
Brewster, NY 10509

Tom LaPerch
18 Baltic Place
Brewster, NY 10509

A LOCAL LAW TO AMEND Chapter 138 of the Code of the Town of Southeast, New York, pursuant to New York State Constitution Article IX, Municipal Home Rule Law §10 and Town Law §261 et seq. Be amending the adding definitions in §138-4 and by amending §138-22, “Accessory Apartments,” and by amending Article X, “Special Permits and Conditional Uses,” by adding new section §138-56.1, “Accessory Apartments in residential districts.”

NOW THEREFORE BE IT ENACTED, by the Town Board of the Town of Southeast, as follows:

Town Code §138-4 entitled “Definitions” is amended to add the following:

APARTMENT, ACCESSORY – An accessory apartment shall be a self-contained, independent residential dwelling unit, clearly incidental and secondary to the principal dwelling of which it is a part, having a separate entrance and containing separate provisions for cooking, sanitary and sleeping facilities, for the exclusive use of the occupant.

Town Code §138-22 is hereby repealed and a new §138-22 is enacted as follows:

§138-22 Accessory Apartments.

- A. Legislative Intent. It is the intention of this section, subject to the standards listed below and pursuant to the special conditions defined in Article X, §138-56.1, to permit the creation of accessory apartments in the town for the purposes of maintaining a supply of small rental or owner-occupied housing units designed to meet the needs of persons, both young and old, or moderate income, and to permit the efficient use of the town’s housing stock by providing economic support for owners of larger structures and incentives for maintenance of these structures. These accessory dwellings are intended to be clearly incidental and secondary to the principal structure of which they are a part. The owner of the lot containing an accessory apartment shall be required to reside in either the principal dwelling or in the accessory dwelling.
- B. General Requirements. Subject to the granting of a conditional Use Permit by the Planning Board, pursuant to the special conditions and requirements of Article X, §138-56.1, entitled “Accessory Apartments in residential districts,” the conversion of a dwelling for (1) family into a dwelling containing not more than two (2) dwelling units may be permitted, provided that:
- (1) The dwelling was issued a Certificate of Occupancy at least ten (10) years prior to the application for accessory apartment, and that the dwelling contains a minimum of two thousand (2,000) square feet of habitable floor area.
 - (2) The lot is of such size as to contain an area at least one hundred percent (100%) of the minimum lot area required for the district, and in no case less than forty thousand (40,000) square feet.
- C. Grandfathering. Accessory apartments or accessory dwelling units which have existed on a single family residential lot prior to the effective date of this chapter, and which do not necessarily meet the requirements contained in paragraph B above or the special conditions set forth in §138-56.1, may be allowed to continue to be used for separate dwelling purposes, provided the accessory apartment is not part of a unit in a multifamily structure approved as townhouses or condominiums and the owner makes application for approval of such accessory dwelling unit in accordance with the provisions of this chapter within six

(6) months of the effective date hereof as set forth below, and so long as the applicant can show compliance with either of the following conditions:

1. The property owner can provide confirmation of Planning Board approval for the accessory apartment according to prior versions of this chapter, or;
2. The property owner must provide documentation and proof of the following minimum requirements:
 - (A) Independent proof in the form of cancelled checks, telephone bills, electric bills, affidavits or tenants or occupants, or other probative evidence, which shows that the subject dwelling was in existence and actually occupied prior to June 1, 1998.
 - (B) Approval from the Putnam County Department of Health to confirm the adequacy of the water supply and septic system for the accessory use and the principal dwelling. If the dwelling is served by community water supply, proof of approval from the appropriate water district is also required.
 - (C) Floor plans of the principal dwelling and the accessory apartment must be submitted to the Building Department. The unit must meet any and all requirements of the New York Code, Rules and Regulations (NYCRR) for safety, occupancy load and all other applicable regulations.
 - (D) A plot plan showing adequate parking for the principal dwelling and the accessory apartment shall be submitted to the Building Department.

Owners of apartments existing prior to the enactment of this chapter shall make application for the accessory apartment within six (6) months from the date of the enactment of these regulations, at which time the premises shall be inspected by the Building Inspector, the Fire Inspector and/or the Code Enforcement Officer. The accessory apartment shall be made to comply with the minimum requirements for health and safety as defined by the Putnam county Health Department and the New York State Code of Rules and Regulations (NYSCRR) and other applicable building codes of the State of New York. Failure to submit the proper application and registration in the time specified may be subject to late fees, adopted as part of the Town of Southeast Fee Schedule.

(E) Term of Conditional Use Permit. A Conditional Use Permit issued pursuant to §138-56.1 shall be valid for a period of three (3) years from the date that the permit is issued, or until six (6) months after the transfer of title of the property, whichever occurs earlier. A permit may be renewed by the property owner (or by the new property owner within six months of the transfer of title) for additional three-year periods upon application to the Building Inspector, provided that all the conditions and requirements of the original Conditional Use Permit are satisfied.

- (1) An accessory apartment shall be subject so inspection by the Building Inspector, Fire Code Inspector and/or Code Enforcement Officer at any time. A finding of non-compliance with any condition or term of the permit shall result in the issuance of an Order to Remedy. The permit shall be revoked if the non-compliance is not corrected within the time period set forth in the Order to Remedy.

- (2) A copy of the original Conditional Use Permit and of each renewal permit, signed by the owner of the property, shall be filed by the applicant with the Town Clerk within thirty (30) days of approval of the permit.
- (3) Applicants for permits for accessory apartments shall be responsible for payment of fees and late charges as set by the Town Board from time to time in the Town of Southeast Fee Schedule.

Town Code Article X is amended to add the following section:

§138-56.1. Accessory apartments in residential districts.

Accessory apartments in residential districts are subject to the general conditions set forth in §138-22 of this chapter and to the following supplementary conditional use requirements:

- A. The owner of the lot upon which the accessory apartment is located shall occupy and maintain as his legal residence at least one (1) of the dwelling units on the premises.
- B. No accessory apartment shall be permitted in any accessory structure subsequent to the effective date of this section, except under the following circumstances:
 1. The lot containing the principal dwelling and the accessory structure shall consist of at least 5 acres of residentially zoned land.
- C. There shall be no more than one (1) accessory apartment or accessory dwelling unit per lot.
- D. The conversion is intended to create an accessory apartment that is clearly incidental and secondary to the primary unit and may only be approved under the following conditions:
 1. The accessory apartment shall contain at least three hundred (300) square feet and not more than eight hundred (800) square feet of gross floor area, but shall not exceed twenty-five percent (25%) of the total floor area of the principal residence structure unless, in the opinion of the Planning Board, a lesser or the greater amount of floor area is warranted by the specific circumstances of the particular building.
 2. The accessory apartment shall contain no more than two (2) bedrooms.
 3. No more than three (3) persons shall occupy the accessory apartment.
 4. A separate entrance shall be provided for the accessory apartment at the side or the rear of the structure that does not face any street. No exterior changes shall be made to the dwelling, which, in the opinion of the Planning Board, will alter the single-family character of the dwelling and neighborhood.
 5. No fewer than three (3) off-street parking spaces suitable for year-round use shall be provided on the lot. No new driveway access to the street shall be permitted. The Board may require the creation of additional parking spaces if deemed necessary, and the installation of screening and/or planting to buffer parking areas from the street or from adjoining residences.

6. The approval of the Putnam County Department of Health must be obtained for water supply and sewage disposal systems prior to the approval of the conditional use permit. No accessory apartment or accessory dwelling shall be allowed in a district served by community sewage disposal system.
7. The Building Inspector shall be given a copy of the application for Conditional Use Permit by the Planning Board Administrator, and shall inspect the premises. A written report from the Building Inspector shall be given to the Planning Board prior to granting any Conditional Use Permit for an accessory apartment or accessory dwelling unit.

The "Table of General Use Requirements, Residential Zoning Districts," shall be amended as follows:

[xxx] text to be deleted
[XXX] text to be added

Change Item #2, Column C ("Conditional Uses by Planning Board") to read as follows:

R-80 Zone:

2. [The conversion of a dwelling unit for 1 family into 2 dwelling units or the conversion of an existing accessory building into an accessory apartment.] THE CREATION OF AN ACCESSORY APRTMENT SUBJECT TO §138-22 and §138-56.1 OF THIS CHAPTER.

3. [Caretaker's cottage.] APARTMENT IN ACCESSORY STRUCTURE ON MINIMUM OF 5 ACRES.

R-60 Zone:
(OK as is.)

R-40 Zone:
(OK as is.)

R-20:
1. Same as permitted in R-80, excluding Item No. [4] 2.

RMF:
1. Same as permitted in R-80, excluding Item No. 2 AND 4.

DEPARTMENT OF HEALTH
Division of Environmental Health Services
4 Geneva Road, Brewster, New York 10509
(845) 278-6130

HOUSE ADDITIONS APPROVAL GUIDELINES

- I. The Putnam County Department of Health must review all additions, which will result in an increase in living area.
- A. Any addition which is considered a bedroom requires a formal approval of plans (Construction Permit) by the Department and plans are to be prepared by a Professional Engineer or Registered Architect in accordance with applicable sections of the Putnam County Sanitary Code, unless system is presently designed for *proposed* number of bedrooms. Plans will provide for the installation of additional and/or new sewage disposal area meeting *present* code requirements.
- B. The determination of whether a proposed room addition to a house is considered a bedroom will be made by Department staff based upon:
- Location of the room in the house
 - Size of the room
1. Accessory rooms such as Dens, Libraries, Studies, Computer Rooms, Offices, Sewing Rooms, etc. may be considered potential bedrooms.
 2. Large bedrooms, which may easily be divided by a partition wall, may be considered two potential bedrooms.
 3. Storage areas or unfinished portions of the addition may also be considered potential living area.
- C. Any addition which is not a bedroom will require the submission of a plan prepared by the property owner (to scale) showing the entire house floor plan existing and proposed. The determination of what constitutes a potential bedroom will be made by Department staff, i.e., an office 8' x 8' may be considered a potential bedroom. Once the review has been completed the plans will be stamped noting the number of bedrooms, including potential bedrooms. If the number of bedrooms remains the same as existing, no further expansion of the sewage disposal system will be required. If, however, it is determined that any increase in potential bedrooms is proposed then refer to "A" above. A letter from the Department will be issued indicating total number of existing bedrooms and no expansion of sewage disposal area will be required and any other permits or variances required are the jurisdiction of the Town.

DEPARTMENT OF HEALTH
Division of Environmental Health Services
4 Geneva Road, Brewster, New York 10509
(845) 278-6130

ADDITION APPLICATION (RESIDENTIAL ONLY)

STREET: _____ TOWN: _____ TAX MAP #: _____

NAME: _____ PHONE: _____ PCHD PERMIT #: _____

MAILING ADDRESS: _____

Description of Addition: _____

Number of Existing Bedrooms: _____ Proposed number of Bedrooms: _____

Any addition which is considered a bedroom requires formal approval of plans (Construction Permit) prepared by a Professional Engineer or Registered Architect in accordance with applicable sections of the Putnam County Sanitary Code.

Please submit this form and the following to PUTNAM COUNTY HEALTH DEPARTMENT, 4 GENEVA ROAD, BREWSTER, NY 10509 with the following information:

1. Certified Check in the amount of \$100.00.
2. Sketch of existing floor plan (all living area including basement, if any). Non-professional drawing is acceptable.
3. Sketch of proposed floor plan. Non-professional drawing is acceptable.
4. Copy of survey showing well and septic location, to the best of your knowledge. Include date of installation if known. Include all wells and septic systems within 200 feet of property line. Any questions please contact this office.

OFFICE USE

Comments and/or conditions
