

Town of Patterson
Zoning Board of Appeals
Accessory Apartment
Compliance Check List

§ 154-105 Accessory Apartments	APPLICANT	CODE ENFORCEMENT OFFICER
A. A special use permit is required to create a single apartment within a single dwelling subject to the following provisions. (1) Only one (1) apartment is allowed, and it shall be clearly subordinate to the one-family dwelling.	S I G N	S I G N
(2) The number of bedrooms in the apartment shall not be more than one (1).	Yes/No ____ (#)	Yes/No ____ (#)
(3) The floor area of the apartment shall be greater than 400 square feet and less than 600 square feet.	____ Sq. Footage	____ Sq. Footage
(4) The floor area devoted to the apartment shall not exceed 35% of the entire livable floor area of the single-family dwelling and area of the accessory apartment combined.	Entire Floor Area of Apartment ____ / ____ %	Entire Floor Area of Apartment ____ / ____ %
(5) The apartment and one family dwelling must have safe and proper means of entrance. Entrance to the accessory apartment shall be from the side or rear of the structure.	Yes/No ____	Yes/No ____
(6) If the water supply is from a private source, the applicant shall certify that the water supply is potable and of adequate flow. Failure to correct promptly any water quality problems shall result in the revocation of the special use permit.	S I G N & Certify	S I G N
(7) The applicant shall receive approval from the Putnam County Department of Health to operate the two units. Failure to promptly correct any water quality problems shall result in the revocation of the Special Use Permit.	Attached Yes/No ____	Attached Yes/No ____
Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Stairways and fire escapes shall be located on the rear wall in preference to either sidewall. In no instance shall an exterior stairway or fire escape be located on any wall fronting on a street.	Complies Yes/No ____	Complies Yes/No ____

<p>(8) Off street parking shall be in accordance with Article XIV of this chapter and shall be on the parcel on which the accessory apartment is located.</p>	<p>Complies Yes/No _____</p>	<p>Complies Yes/No _____</p>
<p>(9) Any legally established apartment within a one family dwelling that is in existence at the time of the adoption of this chapter shall not be subject to the provisions outlined in this chapter.</p>	<p>Complies Yes/No _____</p>	<p>Complies Yes/No _____</p>
<p>(10) Continued compliance with all of these regulations is required. Failure to do so will result in a revocation of the special use permit.</p>	<p>S I G N</p>	
<p>(11) The owner of the single-family lot upon which the accessory apartment is located shall occupy the principal or accessory dwelling unit on the premises as his primary residence.</p>	<p>Yes / No _____</p>	<p>Yes / No _____</p>
<p>a. The special use permit shall be issued to the owner of the property. Should there be a change in the ownership or a change in residence of the owner, the special use permit and the certificate of occupancy for the accessory apartment shall become null and void in 90 days. Thereafter, should the new owner decide to live in the structure and desire to continue the use of the accessory apartment, within 90 days of the change in ownership, he shall receive from the Zoning Board a special use permit.</p> <p>b. The special use permit shall be valid for a period of five (5) years. At the end of such period, the owner-applicant shall request that the Zoning Board of Appeals renew the permit, or the owner shall notify the Zoning Board of Appeals of his intent to discontinue the permit. The Zoning Board of Appeals shall renew the permit if all conditions of the original permit are still satisfied; otherwise the Zoning Board of Appeals shall not renew the permit. Zoning Board of Appeals shall not renew the the permit.</p>	<p>S I G N</p>	
<p>(14) An accessory apartment may only be created where the principal and accessory units are within the same structure. No detached accessory apartments are permitted.</p>	<p>Complies Yes / No _____</p>	<p>Complies Yes / No _____</p>
<p>(15) In making its determination on the special use permit, the Zoning Board of Appeals shall also give consideration to the character of the existing and future uses in the immediate vicinity of the proposed accessory apartment, including the exterior appearance of buildings as single-family dwellings and the amount of traffic and parking conditions in the neighborhood.</p>	<p>S I G N</p>	

<p>(16) Owners of existing accessory apartments, other than those defined in Subsection A(10), shall have until January 1, 2001 to apply for a special permit in accordance with the provision hereof. Any initial special permit application for a then-existing accessory apartment submitted after January 1, 2000 shall be accompanied by an application fee equal to twice the existing fee set forth in the fee schedule established in Chapter 87 of the Patterson Town Code.</p>	S I D E	
<p>(17) The building in which the accessory apartment is constructed shall be at least five (5) years old and owner-applicant shall have occupied the dwelling for at least one (1) year prior to the initial application for the special use permit.</p> <p>(a) Exception. The Zoning Board of Appeals may grant an exception to the requirements of Subsection (17) above upon a findings; which shall be set forth in the resolution for the special use permit, that the accessory apartment will be used for a person or persons related by blood or marriage and that a special or unique hardship exists. In granting approval of a special use permit pursuant to this section, the Zoning Board of Appeals may impose such restrictions and requirements as may be necessary to give effect to the intent and purpose of this Chapter. Such requirements may include removal of apartment from the principal dwelling after a specified period, upon the apartment being vacated by the individual for which the apartment was created, or upon elimination of the determinant factor justifying the special or unique hardship.</p>	Yes / No ____	Yes / No ____
<p>B. Where a special use permit is requested to create an apartment which requires an addition to a one-family dwelling, the following additional requirements must be complied with:</p>	IF ADDITION	
<p>(1) All bulk regulations and coverage limitations must be met.</p>	Yes / No ____	Yes / No ____
<p>(2) Design and construction of the addition must be compatible with the parent structure.</p>	Yes / No ____	Yes / No ____
<p>(3) The addition must conform to the criteria above in Subsection A of this section.</p>	Yes / No ____	Yes / No ____

<p>C. Owners of existing accessory apartments shall have until January 1, 2001, to apply for a special permit in accordance with the provisions hereof.</p> <p>(1) After January 1, 2001, any person, operating a multifamily dwelling in violation of this chapter shall be guilty of a violation under the Penal Law and, upon conviction therefore, shall be punished for each offense by a fine of not more than \$500 or by imprisonment for not more than 15 days, or both. Furthermore, each week that a violation of this chapter shall continue to exist shall constitute to separate violation.</p> <p>(2) In addition to the above-provided penalties and punishment, the Town Board may also maintain an action or proceeding in the name of the town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of such chapter.</p> <p>D. Applications submitted to the Zoning Board of Appeals pursuant to this section shall be reviewed by the Code Enforcement Officer. The Code Enforcement Officer shall review the applicant's compliance with the provisions of Subsections A and B of this section and report to the Zoning Board of Appeals regarding the same.</p> <p>E. An accessory apartment created on any residential property for which site plan approval was not otherwise required, shall not require approval of a site plan issued by the Planning Board.</p>	<p style="text-align: center;">T O W N</p>	
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