

§ 125-79. Accessory apartments in existing single-family residences. [Amended 5-15-1984; 7-25-1989]

- A. It is the intention of this section to permit the creation, subject to the standards listed below, 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, of 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. To achieve these goals and to promote the other objectives of the Zoning Ordinance to serve the health and welfare of the Town's people, the regulations below have been created.
- B. In all residence districts, the Planning Board may grant a special permit to create an accessory apartment in an existing single-family dwelling, but not in an accessory structure, provided that:
- (1) The residence structure, including all additions, in which the accessory apartment is to be located shall have been in existence prior to the adoption of this chapter. No permit for an accessory apartment shall be granted until five years after the construction of the entire structure, including all additional and all accessory structures. Should alterations be made to a pre-1989 building for which an accessory apartment or cottage is later requested, no permit shall be granted until five years after the construction of the entire structure, including all additions, and all accessory structures. **[Amended 8-4-1992]**
 - (2) The owner of the lot on which the accessory apartment is located shall occupy at least one of the dwelling units on the premises.
 - (3) No more than five persons shall occupy the lot.
 - (4) There shall be no more than one accessory apartment per lot.
 - (5) The lot must meet the lot area, yard and coverage requirements for the zoning district in which it is located. The Planning Board may reduce these requirements by not more than one-third (1/3) where it determines that this reduction will conform to the spirit of the regulations and will enable the proper development of the property, including adequate parking areas and accessibility and compliance with health and safety requirements.
 - (6) A separate entrance shall be provided for the accessory apartment at the side or rear of the structure. 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.
 - (7) No fewer than two 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 installation of screening and/or planting to buffer parking areas from the street or from adjoining residences.
 - (8) The accessory apartment shall contain at least 400 square feet and not more

than 800 square feet of gross floor area but shall not exceed 25% of the total floor area of the principal residence structure unless, in the opinion of the Planning Board, a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building.

- (9) In lieu of the requirements of Article VII, § 125-58, of this chapter requiring the submission of a preliminary site plan, an applicant under this section shall furnish sufficient data to indicate existing building and lot conditions to enable the Planning Board and Building Inspector to review the application and the Building Inspector to inspect the premises. This information shall include an informal, dimensional floor plan of the proposed accessory apartment. No preliminary site plan fee is required. An application fee shall be paid as listed in the fee schedule adopted by the Town Board.
- (10) The approval of the Westchester County Department of Health must be obtained for water supply and sewage disposal systems prior to the approval of the special use permit.
- (11) The Building Inspector shall inspect the proposed accessory apartment and report, in writing, any deficiencies to the Planning Board prior to the granting of the special use permit.
- (12) The duration of the permit shall be limited to five years and may be renewed by application to the Building Inspector. Prior to the renewal of the permit, the Building Inspector shall inspect the building and determine that all of the criteria above and those imposed upon the original special use permit continue to be met. The property owner shall pay to the Town Clerk a fee, in an amount set forth in the Town fee schedule, for all inspections pursuant to this section.
[Amended 6-18-2013 by L.L. No. 2-2013]