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Apartments

Town Code 155-25 Accessory apartments.

A. A special use permit is required to create a single apartment within a one-family dwelling, subject to the following provisions:

- (1) Only one apartment is allowed, and it shall be clearly subordinate to the one-family dwelling.
- (2) The number of bedrooms in the apartment shall not be more than one.
- (3) The floor area of the apartment shall be greater than 400 square feet and less than 800 square feet.
- (4) The floor area devoted to the apartment shall not exceed 35% of the livable floor area of the entire dwelling.
- (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.
- (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.
- (7) The applicant shall have a licensed engineer attest that the water supply and sewage disposal system are adequate for the two units. Failure to correct promptly any water quality problems shall result in revocation of the special use permit.
- (8) 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.
- (9) Off-street parking shall be in accordance with § 155-56 of this chapter and shall be on the parcel on which the accessory apartment is located.
- (10) 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 above.
- (11) Continued compliance with all of these regulations is required. Failure to do so will result in a revocation of the special use permit.
- (12) 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.
 - (a) The special use permit shall be issued to the owner of the property. Should there be a change in 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 Planning Board a special use permit.
 - (b) The special use permit shall be valid for a period of three years. At the end of such period, the owner-applicant shall request the Zoning Administrator to renew the permit, or the owner shall notify the Zoning Administrator of his intent to discontinue the permit in accordance with the applicable time periods

established in § 155-25A. The Zoning Administrator shall renew the permit if all conditions of the original permit are still satisfied; otherwise the Zoning Administrator shall not renew the permit, and the time periods established in § 155-25A(12)(a) for discontinuing the accessory apartment shall apply.

(13) The building in which the accessory apartment is constructed shall be at least five years old and the owner-applicant shall have occupied the dwelling for at least one year prior to the initial application for the special use permit.

(14) The property on which the accessory apartment is to be located shall be in conformance with all applicable sections of the zoning provisions of the Town of Beekman Code. Any and all violations of the zoning provisions shall be eliminated prior to consideration by the Planning Board for the special use permit with the following exception: The Planning Board may consider an application which seeks to legalize an existing illegal apartment, provided that there are no additional existing violations.

(15) An accessory apartment may only be created where the principal and accessory units are within the same structure. No detached accessory apartments are permitted.

(16) In making its determination on the special use permit, the Planning Board 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.

(17) The applicant must comply with all provisions of § 155-60 of the zoning provisions, which outlines the requirements for issuance of a special use permit.

B. A special use permit is required to create an apartment that requires an addition to a one-family dwelling. If an addition is requested, it must comply with the following:

- (1) All bulk regulations and coverage limitations must be met.
- (2) Design and construction of the addition must be compatible with the parent structure.
- (3) The addition must conform to the criteria above in Subsection A of this section.

Commercial Vehicles

Town Code 155-22 Q. Commercial vehicles, equipment and parts shall not be stored, parked, repaired or serviced indoors nor outdoors in the Town of Beekman except in C-2 and I-1 Zones when a special use permit has been issued by the Planning Board.

Expired Building Permits

Town Code 155-67 B (1) Expiration of permit. A building permit issued pursuant to this chapter shall expire one year from the issuance thereof or upon issuance of a Certificate of Occupancy/ Certificate of Compliance (C.C.), whichever shall first occur. Such permit may be renewed for one year, provided that the original permit has not been revoked. A renewal fee must be paid for every year that the permit has expired. No construction can proceed with an expired permit.

Exterior Property

NYS Property Maintenance Code **§PM302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Town Code 155-22 P Storage of unregistered motor vehicles. No portion of any lot shall be used for the outdoor storage, keeping or abandonment of an unregistered, inoperative or for partially dismantled motor vehicle in the Town of Beekman except as provided in § 155-40.

Keeping of animals

Town Code 155-34 Notwithstanding the use permitted in any district, the following regulations shall apply to the keeping of animals in any district:

- A. In the absence of a special use permit and site plan approval as specified in this chapter, the keeping of large animals, such as horses, ponies, cattle, goats, pigs, sheep, etc., shall require at least one acre of open space for each animal, unless contiguous open space in excess of 10 acres is used for such maintenance, in which event this requirement shall be inapplicable.
- B. The keeping of small animals, such as raccoons, mink, rabbits, birds, snakes, geese, ducks, chickens, monkeys, dogs, cats, etc., in a total number of more than 10 on one lot containing less than two acres shall be prohibited in the absence of a special use permit and site plan approval as provided below.
- C. The Planning Board may issue a special use permit for the keeping of animals upon lots containing less than the minimum area set forth above, subject to site plan approval, provided that the applicant shall meet all conditions and satisfy the criteria applicable, and provided further that the Planning Board shall find that adequate open space and facilities for the proper care of such animals are available and will be established and that the keeping of such animals will not interfere with the reasonable use and enjoyment of the property of others.
- D. Buildings, pens or other structures housing animals or portions of buildings used for that purpose shall be located 75 feet from any lot line, road or highway. No manure may be stored within 250 feet of any property boundary line or watercourse.
- E. No person shall keep animals upon property in any manner which shall knowingly interfere with the reasonable use and enjoyment of the property of others.

Projects without Building Permits or Certificates of Occupancy (C.O.)

Town Code 155-67 Building Permits

(1) No person shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition, conversion or change in the nature of the occupancy of any building or structure or cause the same to be done without first obtaining a separate building permit from the Building Inspector for each such building or structure. Building permits shall be required for work which must conform to the Uniform Code with the following exceptions:

- installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;
- installation of fences 6 feet high or less and fences which are not part of an enclosure surrounding a swimming pool;
- construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- construction of temporary motion picture, television and theater stage sets and scenery;
- installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- Installation of partitions or movable cases less than 5'-9" in height;
- Painting, wallpapering, tiling, carpeting, or other similar finish work;
- Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- repairs, provided that such repairs do not involve:
 - (a) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component;
 - (b) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;
 - (c) the enlargement, alteration, replacement or relocation of any building system;
 - (d) the removal from service of all or part of a fire protection system for any period of time.

Town Code 155-68 Certificates of Occupancy.

(1) No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the Building Inspector.

(1A) A certificate of occupancy or a certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof, which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy or a certificate of compliance.

(2) No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall be occupied or used unless a Certificate of Occupancy has been issued by the Building Inspector.

(3) No change shall be made in the use or type of occupancy of an existing building unless a Certificate of Occupancy authorizing such change shall have been issued by the Building Inspector.

Signs

Town Code 155-57 B. Signs requiring a permit. Permitting a sign does not imply that the underlying use is permitted.

(1) Permanent signs. Except as otherwise provided herein, no permanent sign or other advertising device shall be erected, constructed, displayed, moved, reconstructed, extended, enlarged or altered except in conformity with this article and, where applicable, without first obtaining a permit from the Zoning Administrator's office prior to its erection, construction or alteration in accordance with the procedures and standards of this article.

(2) Temporary signs. Temporary nonilluminated signs such as banners, portable signs, promotional signs, and other signs of a similar nature are also subject to the permitting requirements of this article, and shall be permitted on the premises for a consecutive period of 30 days, not to exceed a total of 90 days per calendar year.

(3) Promotional devices. Devices that are temporarily located on the properties for the purposes of advertising or promotion such as inflatables, barrage balloons, search lights, etc, are permitted for a period not to exceed 30 days. Application is to be made to the Zoning Administrator certifying the safety of such devices.

C. Signs and processes not requiring a permit. Provided that such use is otherwise permitted by the zoning ordinances, the following do not require a sign permit, but must conform to the regulations for their district:

(1) Memorial or historical signs, names of buildings and dates of erection when cut or cast into any masonry, bronze, stainless steel or similar permanent material.

(2) Traffic or other municipal signs.

(3) Legal notices or such temporary emergency or non-advertising signs as may be authorized by the Town Board.

(4) One sign per lot advertising the sale, lease or rental of the premises upon which the sign is located. The sign shall not exceed six square feet in area in residential and hamlet zones or 20 square feet in area in commercial zones. A freestanding real estate sign shall not be nearer than 15 feet to any street line.

(5) A contractor's, engineer's or architect's sign not exceeding 20 square feet in area when displayed on the premises under construction in any district.

(6) A farm produce sign not exceeding 12 square feet in area in any district.

(7) Name and number signs identifying the occupants of a lot, when they do not exceed two square feet in area.

- (8) Nonilluminated signs or bulletin boards customarily incidental to places of worship, libraries or museums erected on the premises for the purpose of displaying temporary public information notices, not exceeding 20 square feet in area.
- (9) Routine repair and maintenance of signs.
- (10) Signs identifying real estate, multiresidential or residential subdivision developments not to exceed 20 square feet in area, and which shall advertise only the name of the development where such sign is located.
- (11) Nonilluminated window and door signs not occupying more than 25% of the window or door that they occupy.
- (12) Gasoline service station signs displaying price, not exceeding two square feet in area and limited to one such sign mounted on each gas pump.
- (13) Signs directing motorists or pedestrians on a site shall be allowed, provided that each sign shall not exceed four square feet in area and shall include only directional information.
- (14) Garage / yard sale signs, provided that such events do not take more than four times annually. Signs must be less than six square feet in area, and cannot be erected more than seven days prior to the event and must be removed within 24 hours after the conclusion of the event.
- (15) Political signs (see § 103-6, Subsection E).
- (16) Signs advertising events or activities of certified nonprofit local organizations, provided that each sign is less than four square feet.

Swimming Pools

New York State Property Maintenance Code §PM302.7.2 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

New York State Property Maintenance Code §PM302.7.2.1 Enclosures. An approved enclosure, at least 4 feet (1219 mm) in height, shall be provided around outdoor swimming pools, so that such pools are inaccessible to children. The enclosure may surround either the pool area or the property.

New York State Residential Code §RAG105.2 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a 1.25-inch (32 mm) square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of §RAG105.2, Items 1 through 7, and shall be [securely locked with a key, combination or other child-proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised](#). Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and 8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

Unregistered Vehicles

Town Code 155-40 § 155-40. Storage of unregistered motor vehicles.

Unregistered motor vehicles, including but not limited to campers, trailers, motorcycles, ATV's and pop-ups, may be stored in the R-45, R-135, R-90 and PH Zones in accordance with the following requirements:

- A. One operable unregistered motor vehicle may be located on or next to the driveway when it conforms to the required yard setbacks.
- B. Unregistered motor vehicles for sale. No motor vehicle for sale may be left in a required yard overnight except when placed on the driveway, but in no case shall it be put within the right-of-way of a public road.
- C. Watercraft, as defined in Chapter 149, shall be considered motor vehicles and may not be stored outdoors unless on a registered trailer.

Vacant Homes or Property

NYS Property Maintenance Code §PM301.3 **Vacant structures and land.** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

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