

**** AGENDA ****
TOWN OF BEEKMAN ZONING BOARD OF APPEALS MEETING
December 4, 2014
7:00 pm

Review minutes of November 6, 2014

PUBLIC HEARING:

1. Colin Boyle (continued)

27 Leo Lane – proposed shed

Area Variance – side yard – proposed 10’ – required 20’ – variance needed 10’

Grid # 6657-00-945963

Zone R-45

2. William Haubert

17 Osborne Glen - existing deck

Area Variance – rear yard – existing 12.7’ - required 20’ - variance needed 7.3’

Grid # 6758-01-242774

Zone R-45

3. Anton Plepi

88 Brothers Road – existing accessory apartment

Area Variance – square footage of apartment – existing 967 square feet
required 401 to 800 square feet – variance needed 167 square feet.

155-25 (A) (3) see attached.

Grid# 6858-03-001310

Zone R-135

4. Martin Poli

208 Lime Ridge Road – proposed front porch 9’ 6” x 6’ 6”

Area Variance – front yard – proposed 43’- required 50’ - variance needed 7’

Grid# 6758-13-029457

Zone R-45

OTHER BUSINESS

Anthony Pepe - discuss project at 510 Clapp Hill Road.

Review proposed meeting dates for 2015.

ARTICLE V: Supplemental Regulations

§ 155-25. Accessory apartments.

A. A Special Use Permit is required to create a single apartment within a single family dwelling, subject to the following provisions:

- (1) Only one apartment is allowed, and it shall be clearly subordinate and not more than 35% of 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 single 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) The applicant shall have a licensed professional engineer attest that the water supply and sewage disposal system are adequate for the two units prior to Planning Board approval. Failure to correct promptly any water quality problems shall result in revocation of the Special Use Permit.
- (7) 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.
- (8) 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.
- (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 above.
- (10) Continued compliance with all of these regulations is required. Failure to do so will result in a revocation of the Special Use Permit.
- (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.
 - (a) The Special Use Permit shall be issued to the owner of the property and shall include a consent to allow periodic yearly inspections upon reasonable notice to the homeowner. 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) for discontinuing the accessory apartment shall apply.

- (12) 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.
 - (13) An accessory apartment may only be created where the principal and accessory units are within the same structure. No detached accessory apartments are permitted.
 - (14) 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.
 - (15) 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.
- C. A Special Use Permit is required to create an "elder cottage housing opportunity (ECHO)" unit, a temporary, detached, accessory dwelling for elderly relatives of occupants of the principal single-family dwelling, subject to the following provisions:
- (1) The height of the unit shall not exceed 15 feet.
 - (2) The floor area of the unit shall not exceed 800 square feet.
 - (3) The design of the unit shall be compatible with the principal single-family dwelling on the lot and the surrounding neighborhood. The Planning Board may require additional screening, if appropriate.
 - (4) Side and rear Yard setbacks shall be the same as those required for a principal dwelling in all zones.
 - (5) Maximum lot coverage by buildings shall not exceed 20% in all residential zones.
 - (6) The number of occupants in the ECHO unit shall be limited to two.
 - (7) At least one resident of the ECHO unit shall be either infirm, handicapped or over 60 years of age, and at least one resident shall be related by blood, marriage or adoption to the owner of the principal single-family dwelling.

- (8) At least one of the owners of the principal single-family dwelling must live in one of the dwelling units on the lot.
- (9) If an inhabitant of the ECHO unit has a car, one parking space shall be provided.
- (10) The applicant shall submit all information required for the issuance of a Special Use Permit, as outlined in § 155-60 of this chapter. The permit shall be issued to the owner of the principal single-family dwelling on the lot and shall specify by name the occupants of the ECHO unit.
- (11) The Special Use Permit shall be renewed annually by the Zoning Administrator. The residents of the ECHO unit must be reconfirmed at that time. Failure to comply with this renewal provision or with the continuance of the provisions of this section shall result in the Special Use Permit becoming null and void.
- (12) The Special Use Permit shall terminate upon the death of or permanent change of residence of the original inhabitant(s) of the ECHO unit. The ECHO unit shall be disassembled, or a new Special Use Permit shall be applied for at that time. If appropriate, a bond shall be posted to insure the unit's removal.

§ 155-26. Accessory structures.

- A. Detached accessory structures not exclusively used for farming or agricultural purposes shall be erected in accordance with the following requirements, except as otherwise permitted herein:
- (1) Detached accessory structures over 120 square feet:
 - (a) Shall require a building permit.
 - (b) Shall not be located within any required Yards or within 10 feet of operative septic tanks and/or leach fields.
 - (c) Shall be located no closer to the street than the front of the principal structure.
 - (d) Shall respect the scale and character of the principal structure and shall not:
 - [1] Exceed 25% of the principal structure in bulk; nor
 - [2] Exceed the height of the principal structure.
 - (e) For fire safety purposes, a detached accessory structure shall be located in compliance with the New York State Uniform Fire Prevention and Building Code, and in any case no closer than 10 feet to the principal structure.
 - (f) For corner lots, the setback from the side street shall be the same for accessory buildings as for principal buildings.
 - (2) Detached accessory structures 120 square feet or less:
 - (a) Shall not require a building permit.
 - (b) Shall not be located within 10 feet of any side or rear property line.
 - (c) Shall not be located within 10 feet of operative septic tanks and/or leach fields.
 - (d) Shall be located no closer to the street than the front of the principal structure.
 - (e) Shall respect the scale and character of the principal structure and shall not:
 - [1] Exceed 120 square feet; nor

**TOWN OF BEEKMAN
ZONING BOARD OF APPEALS
PROPOSED MEETING DATES 2015**

January 8, 2015

February 5, 2015

March 5, 2015

April 2, 2015

May 7, 2015

June 4, 2015

July 2, 2015

August 6, 2015

September 3, 2015

October 1, 2015

November 5, 2015

December 3, 2015