

DRAFT AMENDMENTS TO CHAPTER 149 FOR DISCUSSION PURPOSES

[Draft for 5/19/16]

Chapter 149: Permits

[PROPOSED NEW TEXT IN ITALICS]

Chapter 149: Permits

Article I Special Permits for Two-Family Dwellings

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Article I: Special Permits for Two-Family Dwellings

§ 149-1 Legislative intent.

The Piermont Village Board acknowledges that some long term Piermont residents may, for various reasons, have space in their home to accommodate a second dwelling unit in a manner that is safe and meets the requirements of the New York State Fire and Building Codes. It is also acknowledged that in the past, for mainly economic reasons, some Piermont homeowners have converted their one-family homes to illegal two-family dwellings in order to generate additional income to offset the cost of living in the Village.

The Village Board understands that some long term residents may desire to continue to reside in the Village, but may face a hardship in being unable to continue to afford to live in the Village for any number of reasons, most particularly after one or more family members leave the home.

The Village Board is desirous of providing a means for long-time residents to stay in the Village, and the intent of this Chapter is to provide a solution balancing the needs of such long-time residents with the strong public interest the Village Board has in preserving the single-family residential character of the Village to protect the health, welfare and safety of the Village taxpayers.

§ 149-2 Title.

This article shall be known as the "Special Permit Law for Two-Family Dwellings."

§ 149-3 Definitions.

As used in this article, the following terms shall have the meanings indicated:

DWELLING UNIT. A dwelling or portion thereof providing complete living facilities for one family.

FAMILY. Any number of individuals related by blood, marriage or adoption, or not more than four persons who are not so related, living together as a single housekeeping unit, using rooms and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together.

ILLEGAL TWO-FAMILY DWELLING. A two-family dwelling presently located in the Village, except those two-family dwellings which are legally existing nonconforming uses.

APPLICANT. *An owner of a single family home in the Village of Piermont, who has resided in the home as a primary residence for a minimum of 10 years (or for 5 years if the owner has been a continuous 25 year resident of the Village of Piermont). An owner may also be (1) a corporate entity provided that the individual holding a majority ownership interest in the entity has resided in the home as a primary residence for a minimum of 10 years (or for 5 years if the owner has been a continuous 25 year resident of the Village of Piermont); or (2) a trust provided that the trust's beneficiary has resided in the home as a primary residence for a minimum of 10 years (or for 5 years if the owner has been a continuous 25 year resident of the Village of Piermont).*

TWO-FAMILY DWELLING. A building designed for and legally occupied exclusively as a home or residence for two families. It includes two legally defined dwelling units.

§ 149-4 Minimum standards and restrictions for Special Permit.

A. Any Piermont homeowner (an "Applicant") may apply for a Special Permit under this Chapter to convert their existing single-family home located in a residential zoning district to a two-family home if they meet, in addition to the other standards set forth in this Chapter, the following minimum eligibility criteria:

1. The single-family home must be owner-occupied as a primary residence by an Applicant as defined in § 149-3.

2. In the event that the Special Permit is granted pursuant to this Chapter, it shall be a condition of the same that:

(i) The applicant shall file a covenant in the Building Department stating that if the applicant ceases to occupy the dwelling that it shall immediately revert back to a single family dwelling; and

(ii) Stating that the Special Permit shall be void upon a transfer of ownership.

3. The Certificate of Occupancy for the dwelling shall reflect that the Special Permit shall be void upon the transfer of ownership, and that the premises shall revert back to a single family dwelling upon the transfer of ownership.

4. The dwelling that is the subject of the application must be at least 15 years old.

5. There shall be no significant exterior change to the exterior of the premises, or new structures added on to the property so as to create the additional dwelling unit, which, in the opinion of the Planning Board/Village Board, alters the single family character and appearance of the residence.

6. The proposed apartment in the dwelling shall not include more than two (2) bedrooms.

7. That the second dwelling unit shall comply with all New York State Fire and Building Codes, and notwithstanding anything to the contrary in the Zoning Code, shall be considered a "multiple dwelling" and therefore subject to an

annual inspection by the Piermont Fire Inspector to ensure continuing compliance with the State Codes.

8. The Applicant must submit proof to the Building Department that any lease for the second dwelling unit established pursuant o this Chapter shall be subject to the terms of the Special Permit.

9. The Zoning Board shall not be permitted to vary any of the minimum eligibility requirements of this Chapter.

B. The *Planning Board/Board of Trustees* of the Village shall hear all special permit applications and make final determination as to whether the applicant should be granted a special permit.

(1) Before such approval shall be given, the *Planning Board/Village Board* shall determine:

(a) That the proposed use will not interfere with permitted or legally established uses in the district wherein the proposed use is to be located, or of permitted or legally established uses in adjacent use districts.

(b) That the safety, health, welfare, comfort, convenience or the order of the Village will not be adversely affected by the proposed use and its location.

(c) That the use will be in harmony with and promote the general purpose and intent of this article.

(d) The existing character of the neighborhood and the nature of its probable future development.

A.

A public hearing shall be held for every application for a special permit for a two-family dwelling. The ***Planning Board/Village Board*** shall fix a time and give public notice thereof by publication in the official newspaper (***at the applicant's expense***) of such hearing at least five days prior to the date of the public hearing.

B.

All applications shall be referred to the Building Inspector, the Fire Inspector, and Village Engineer (at the applicant's expense). The aforesaid persons and Boards shall review all applications and report their recommendations to the Village Board, in writing, prior to the public hearing, except that the Building Inspector, Fire Inspector and Village Engineer may report orally to the Village Board at the public hearing.

§ 149-6 Items to be filed with Building Department.

The applicant must file an application with the Building Department containing 12 copies of the following items:

A.

Floor plans (1/4 inch equals one foot).

B.

Site plan or survey (one foot equals 40 feet).

C.

A Building permit application and application for a certificate of occupancy.

D.

A narrative demonstrating compliance with the standards set forth in this Chapter.

E.

An annual affidavit (due by January 10th of every calendar year when the Special Permit is in effect), stating that the original Applicant continues to reside in the premises.

[The following paragraph is to be deleted, with subsequent paragraphs being renumbered]

§ 149-8 Panel for review of applications by owners of illegal two-family dwellings.

A special permit review panel shall be established by the Village Board and shall consist of the Building Inspector, the Fire Inspector, the Chairman of the Zoning Board of Appeals, the Chairman of the Planning Board and one other member to be appointed by the Village Board. The panel shall review all applications for a special permit made by the owners of illegal two-family dwellings and shall make recommendations to the Village Board in connection with such applications.

§ 149-7 Application fees.

An application fee shall be required on filing. Such fee shall be determined by the Village Board of Trustees in accordance with a fee schedule periodically adopted by it.

§ 149-8 Inspections.

The Building Inspector of the Village of Piermont or his designated representative is authorized to make or cause to be made inspections to determine the condition of dwellings and to safeguard the health, safety and welfare of the public. The Building Inspector or his designated representatives is authorized to enter, upon the consent of the owner, any dwelling, dwelling unit, rooming house, rooming unit or premises at any reasonable time during daylight hours or at such other time as may be necessary in an emergency, without the consent of the owner, for the purpose of performing his duties under this article.

§ 149-9 Expiration; renewal.

In addition to the limitations set forth in § 149-4(A)(2), a Special Permit issued under this Chapter shall be issued for a period of not more than three (3) years, and may be renewed by application to the Planning Board. Prior to any renewal, the Building Inspector shall inspect the apartment and determine that all the requirements of this Chapter are being met. Any application for renewal shall require a public hearing.

§ 149-10 Penalties.

A. Any owner who allows occupancy of an accessory apartment in violation of any provision of this Chapter, or who fails to notify the Building Department that the original Applicant no longer resides in the premises, or who violates any condition imposed by the Planning Board/Village Board in granting a Special Permit, shall be subject to revocation of such Special Permit.

B. In addition to the foregoing, any building owner who fails to obtain a Special Permit or who allows occupancy of an accessory apartment in violation of this Chapter or any condition imposed by the Planning Board in granting the Special Permit shall be guilty of an offense punishable by a fine of not less than \$2,000.00. Each months continued violation shall constitute a separate violation.

Ch 149 (Second draft pyb discussion)(for 5.19.16)