



# Town of Philipstown

Code Enforcement Office  
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## ACCESSORY APARTMENT

### Permit Package

1. **BUILDING/ZONING PERMIT APPLICATION** - The applications must be filled out in sufficient detail and signed by the owner of the property or by an authorized agent/contractor with the submission of the **AGENT AUTHORIZATION FORM** other legal instrument authorizing the applicant to sign and obtain the Building Permit.
2. **CONSTRUCTION DRAWINGS:** Two (2) complete sets of plans/specifications stamp and signed by the design professional as per NYS Education Law containing site plan, floor plans, window/door schedules, utility plan for electrical, mechanical and plumbing systems and wall sections in compliance with the Residential Code of New York State and Appendix RJ, Existing Buildings and Structures.
3. **SITE PLAN** - A plan or survey of the property showing the location of the off street parking and entrance and/or accessory structure.
4. **SPECIAL USE PERMIT** - Special Permit granted by the Zoning Board of Appeals, without a separate site plan review, on a conforming residential lot which is accessed by a private right of way or easement, on a non-conforming residential lot that has at least 40,000 square feet of lot area, on a lot with non-conforming structures where there will be no increase in the non-conformity of any structure, and/or on a conforming lot not used for residential purposes.
5. **SEWAGE DISPOSAL SYSTEM and POTABLE WATER SUPPLY** - Certification by the Putnam County Health Department no more than one year prior to the application for the accessory apartment of the adequacy of the septic system.
6. **PUTNAM COUNTY LICENSED CONTRACTORS & SUBCONTRACTOR FORM** and copy of the license to be submitted with the building permit and signed by the Putnam County Licensed Home Improvement Contractor, Plumbing, Mechanical, LP Gas and/or Electrical Contractor. Multiple forms from each licensed contractor can be submitted for convenience.
7. **WORKERS' COMPENSATION and EMPLOYEE LIABILITY** - Proof of insurance must be submitted from the contractor at the time of application. **ACORD FORMS** are not acceptable as proof of insurance.
  - Contractor with The State Insurance Fund must submit form U26.3 and DB-120.1.
  - Contractor with Private Insurance must submit form C-105.2 and DB-120.1.
  - Contractor who is selfinsured must submit form SI-12 or GSI-105.2 and DB-155.
  - Contractors who are exempt from Workers' Compensation must submit form CE-200.
  - An owner applying for the permit who occupies the residence may submit form BP-I affidavit.

# ACCESSORY APARTMENT

## Definitions:

**Accessory Apartment:** A dwelling unit occupying the lesser of 800 square feet or 30% of the floor space of an owner-occupied single-family dwelling, a dwelling unit no larger than 800 square feet located in an accessory structure on an owner-occupied residential property, or a dwelling unit no larger than 800 square feet located in a structure on a property not used for residential purposes.

**Accessory Structure:** A structure detached from and subordinate to a principal building on the same lot, with less than one-half of the floor space of the principal building, and which is used for purposes customarily incidental to those of the principal building or use, including parking, storage, recreation, home occupation, and accessory apartment. Barns and structures used for agriculture, whether or not used for housing animals, shall not be subject to the limitation to one-half of the floor space of the principal building.

**Garage:** A non-habitable accessory structure or a portion of a building, used for the storage of vehicles and/or other items, which may be attached or detached from the principal building. A garage structure may have a habitable accessory apartment above the ground level. (See § 175-10 D.)

## 175.12 C. Accessory Apartments

1. One accessory apartment per lot may be located as follows:

- a. As a use permitted by right on a conforming residential lot with direct access to a State highway, County road, or Town street or highway, where all structures are conforming structures.
- b. As a use allowed by Special Permit granted by the Zoning Board of Appeals, without a separate site plan review, on a conforming residential lot which is accessed by a private right of way or easement, on a non-conforming residential lot that has at least 40,000 square feet of lot area, on a lot with non-conforming structures where there will be no increase in the non-conformity of any structure, and/or on a conforming lot not used for residential purposes.

2. The accessory apartment shall not be counted as a dwelling unit for purposes of determining density.

3. No permit shall be granted for an accessory apartment without certification by the Putnam County Health Department no more than one year prior to the application for the accessory apartment of the adequacy of the septic system. The accessory apartment and the dwelling with which it is associated shall comply with all applicable New York State codes.

4. An accessory apartment shall have a maximum of two bedrooms and a minimum of one off-street parking space per bedroom. Accessory apartments within a dwelling shall be installed in a manner that does not alter the single-family appearance of a dwelling when viewed from a street.

5. If an accessory apartment is created on a lot which is accessed by a private right of way or easement, for which there is a written maintenance agreement, no special use permit shall be issued unless the maintenance agreement is amended to require the owner of the dwelling with the accessory apartment to pay an increased proportionate share of the cost of maintaining said right of way or easement to reflect the existence of the accessory apartment.

6. If an accessory apartment is created on a lot which is accessed by a private right of way or easement for which there is no written maintenance agreement, sub-paragraph 5 above shall not apply.

**D. Multiple residences on a lot.** A lot may contain more than one principal residential structure and accessory apartment, provided that the lot has sufficient acreage to comply with applicable density requirements. Such a lot may not be later subdivided unless the subdivided lots conform to the dimensional regulations in effect when the subdivision is proposed. If a lot is proposed to have more than two principal residential structures, site plan approval shall be required from the Planning Board. No lot of any size may have more than four residential units on it except in an approved multifamily development or in a condominium subdivision as described in § 175-65A(3).