

# VILLAGE OF IRVINGTON

## PLANNING BOARD

85 MAIN STREET

IRVINGTON, NEW YORK 10533

TEL: (914) 591-8335 • FAX: (914) 591-5870



## IRVINGTON PLANNING BOARD APPLICATION FOR SPECIAL PERMIT ACCESSORY APARTMENTS AND RENEWALS PURSUANT TO LL# OF 2016

\* 18 copies of this document with all supporting information requested below and any other supporting documents must be provided 2 weeks prior to a regularly scheduled Planning Board meeting along with evidence of notification pursuant to 224-66-E (Proof of Notice).

I the undersigned owner of the property listed below request pursuant to 224-201, (Requirements for Special Permits for Accessory Apartments) in the Code of the Village of Irvington, request a special permit to operate an accessory apartment in a single family residence in a single family zone;

### REQUIRED INFORMATION

#### (A) PROJECT PROPERTY

- 1) Address: \_\_\_\_\_
- 2) Sheet \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_ Parcel \_\_\_\_\_
- 3) Account Number: \_\_\_\_\_
- 4) P.I.D. Number: \_\_\_\_\_
- 5) Zoning District \_\_\_\_\_
- 6) School District: Irvington \_\_\_\_\_ Dobbs Ferry \_\_\_\_\_
- 7) Date of Original Construction \_\_\_\_\_
- 8) Sewer \_\_\_\_\_ Public or \_\_\_\_\_ Septic
- 9) Water \_\_\_\_\_ Public or \_\_\_\_\_ Private
- 10) Number of dwelling units within the property \_\_\_\_\_
- 11) Does the affected property have any wetlands or watercourses on or within 25' of the property boundary?  
Yes \_\_\_ No \_\_\_
- 12) Does the proposed project abut Broadway or have any portion in the Broadway Buffer Yes \_\_\_ No \_\_\_
- 13) Does the proposed project property about the Croton Aqueduct or have any portion in the Croton Aqueduct Buffer?  
Yes \_\_\_ No \_\_\_
- 14) Is the project property a registered state or national landmark? Yes \_\_\_ No \_\_\_
- 15) Is the project property in the Village of Irvington Historical District as defined in the Code of the Village of Irvington  
Yes \_\_\_ No \_\_\_  
- If yes; is the affected property listed in 224-197 Appendix "A" as a contributing Building. Yes \_\_\_ No \_\_\_
- 16) Does the affected property have a Special Permit for an "Accessory Apartment"? Yes \_\_\_ No \_\_\_  
- If yes; provide a copy of the resolution of approval , renewal date \_\_\_\_\_
- 17) Does the affected property have a Special Permit for an "In-law Apartment"? Yes \_\_\_ No \_\_\_  
- If yes; provide a copy of the resolution of approval , renewal date \_\_\_\_\_
- 18) Does the affected property have a Special Permit for a "Bed and Breakfast"? Yes \_\_\_ No \_\_\_  
- If yes; provide a copy of the resolution of approval , renewal date \_\_\_\_\_
- 19) Does the affected property have a Special Permit for a "Short Term Rental"? Yes \_\_\_ No \_\_\_  
- If yes; provide a copy of the resolution of approval , renewal date \_\_\_\_\_
- 20) List any Site Development Plan approval with dates this property has received and attached a copy of any resolution of approval \_\_\_\_\_
- 21) List any zoning use or area variances with dates this property has received. \_\_\_\_\_
- 22) Provided and list by date of all Certificates of Occupancy and Certificates of Completion pertaining to this property. \_\_\_\_\_
- 23) List any other special permits with dates this property has received \_\_\_\_\_  
- If yes provide a copy of the board's resolution and renewal date \_\_\_\_\_

**(B) OWNER INFORMATION**

- Name: \_\_\_\_\_
- Mailing Address: \_\_\_\_\_
- Email Address: \_\_\_\_\_
- Phone Number: \_\_\_\_\_ Cell Phone Number: \_\_\_\_\_
- Date the owner purchased the property \_\_\_\_\_

**(C) APPLICANT INFORMATION**

- Name: \_\_\_\_\_
- Mailing Address: \_\_\_\_\_
- Email Address: \_\_\_\_\_
- Phone Number: \_\_\_\_\_ Cell Phone Number: \_\_\_\_\_

**(D) LICENSED PROFESSIONAL INFORMATION (architect or engineer)**

- Name: \_\_\_\_\_
- Name of Company: \_\_\_\_\_
- License Number: \_\_\_\_\_
- Mailing Address: \_\_\_\_\_
- Email Address: \_\_\_\_\_
- Phone Number: \_\_\_\_\_ Cell Phone Number: \_\_\_\_\_
- License Number: \_\_\_\_\_

**SUBMISSION REQUIREMENTS**

- (1) Application fee \$500
- (2) Owner has signed and had the application notarized.
- (3) Provide an affidavit stating compliance with Subsections C and E of § 224-201
- (4) Provide a site plan pursuant to 224-202. A.1 prepared by a licensed professional indicating existing buildings, walkways, and the location of existing and proposed off-street parking. **(if there are proposed site changes you must also complete an application for Site Development Plan Approval pursuant to 224-66 with all it requirements as well)**
- (5) Pursuant to 224-202. A.3 Provide a plan prepared by a licensed professional of:
  - (a) The proposed accessory apartment; and
  - (b) Any portion of the building in which the proposed accessory apartment is to be located, necessary to demonstrate compliance with the New York State Uniform Fire Prevention and Building Code and,
  - (c) Provide occupancy calculation for entire house and proposed accessory apartment.
- (6) Provide Certificate of licensed Architect or professional engineer
- (7) Provide a copy of an updated survey showing current conditions
- (8) Provide Survey Certificate.
- (9) Pursuant to 224-202.B Prior to submitting any application to the Planning Board, the Building Inspector shall conduct a physical inspection of the proposed accessory apartment and the building which it is located to confirm the existing conditions match the proposed application and plans and report the results to the Planning Board.
- (10) Provide statement with details of why the proposed accessory apartment shall not adversely affect the character of the neighborhood including parking, traffic, noise, congestion, appearance or any other factor.
- (11) Provide affidavit from the licensed professional that the proposed complies with the New York State Uniform Fire Prevention and Building Code including all requirements for a dwelling unit.
- (12) Provide sample of the notice letter you sent to all properties within 200 feet of the proposed properties property lines with the mailing list and complete the attached affidavit of mailing

**AFFIDAVIT OF OWNER**

State of New York        }  
                                  }  
County of Westchester   }

ss:

\_\_\_\_\_ being duly sworn, deposes and says: that \_\_\_\_\_ is the current owner of the premises to which this application applies; that the applicant is duly authorized to make this application; and that the statements contained here are true to the best of his/her knowledge and belief, and that the work will be performed in the manner set forth in the application and in the plans and specifications filed therewith, and in accordance with all applicable laws, ordinances and regulations. Applicant also acknowledges that he/she has reviewed the following sections of the Code of the Village of Irvington including but not limited to 224-8, 224-66, 224-201, as well as the Residential Code of New York State. The undersigned owner also acknowledges that any unpaid application fees and professional fees incurred by the Village in the review of this application, pursuant to Chapter 160 of the Code of the Village of Irvington shall become a lien on the subject property and may be collected in the same manner as delinquent taxes. Also note that the filing of this application does not constitute permission to commence construction or occupy the proposed accessory dwelling unit without a Building Permit. A separate Building Permit is also required for any physical, interior or exterior changes.

\_\_\_\_\_  
**Signature of owner**

Sworn to before me on this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

## **Article XXXI Accessory Apartments**

[Added 3-7-2016 by L.L. No. 1-2016]

§ 224-200.1 **Purposes.**

§ 224-201 **Requirements for special permits for accessory apartments.**

§ 224-202 **Procedure for special permits for accessory apartments.**

§ 224-203 **Expiration; renewal.**

§ 224-204 **Penalties for offenses.**

§ 224-200.1 **Purposes.**

The purposes of this article are to:

**A.** Legalize and control accessory apartments in one-family dwellings in the Village of Irvington and to assure that accessory dwelling units meet applicable health, fire and safety standards.

**B.** Create small rental housing units without increasing building density, by utilizing existing housing stock and resources.

**C.** Provide economic support for resident individuals and families, particularly homeowners who would benefit from rental income and those of moderate means, for whom there are limited housing options in the Village.

**D.** Encourage diversity in the population of Irvington.

**E.** Promote the health, safety and welfare of the residents of the Village of Irvington.

### **§ 224-201 Requirements for special permits for accessory apartments.**

No special permit for an accessory apartment pursuant to §§ **224-8D, 224-15A, 224-17A**, and 224-36A(15) shall be authorized by the Planning Board unless the Planning Board finds that all of the following requirements are met:

**A.** The accessory apartment must be in a one-family dwelling in compliance with this Zoning Code.

**B.** The accessory apartment must be located in the principal building or in a permitted accessory building.

[Amended 5-21-2018 by L.L. No. 7-2018]

**C.** The owner of the single-family residence must occupy either the principal dwelling or the accessory apartment as a principal residence.

**D.** An accessory apartment shall not include more than two bedrooms.

**E.** The single-family residence for which the accessory apartment special permit is sought must have been in existence in its present size for at least five years prior to the application for the special permit.

**F.** No exterior changes shall be made to the building in which the accessory apartment is located that, in the opinion of the Planning Board, would alter the single-family character and appearance of the residence.

**G.** The accessory apartment shall not adversely affect the character of the neighborhood in which it is located. In applying this requirement, the Planning Board shall consider the effect of the proposed accessory apartment on parking, traffic, noise, congestion, appearance and any other factor that the Planning Board deems relevant to the character of the neighborhood. The Planning Board may refuse to issue a special permit if it finds that the number of such approved apartments in the neighborhood, including the one proposed, will adversely affect the character of the neighborhood.

H. The accessory apartment must comply with the New York State Uniform Fire Prevention and Building Code, including all requirements for a dwelling unit.

I. No violations of the Irvington Code shall exist at the time of application for an accessory apartment special permit.

J. No more than 50 accessory apartment special permits may be in existence at any one time. The limit on the number of accessory apartment special permits may not be varied by the Zoning Board of Appeals.

### **§ 224-202 Procedure for special permits for accessory apartments.**

In addition to the procedures set forth in § 224-8F, the following requirements must be met for a special permit for an accessory apartment:

A. Notwithstanding § 224-8F(2), an applicant for a special permit for an accessory apartment shall provide:

(1) An affidavit stating compliance with Subsections C and E of § 224-201.

(2) A site plan prepared by a licensed professional indicating existing buildings, walkways, and the location of existing and proposed off-street parking.

(3) A plan prepared by a licensed professional of:

(a) The proposed accessory apartment; and

(b) Any portion of the building in which it is to be located necessary to demonstrate compliance with the New York State Uniform Fire Prevention and Building Code.

B. The Building Inspector shall conduct a physical inspection of the proposed accessory apartment and the building in which it is located and report the results to the Planning Board.

C. In granting a special permit for an accessory apartment, the Planning Board shall have the authority to impose such reasonable restrictions and conditions as are consistent with the purposes of this article.

### **§ 224-203 Expiration; renewal.**

A. An accessory apartment special permit shall be issued for a period of not more than three years and may be renewed by application to the Planning Board. Prior to renewal of the special permit, the Building Inspector shall inspect the accessory apartment and determine that all requirements of this article are met. The Planning Board shall conduct a public hearing on the same notice as that required by § 224-8F.

B. An accessory apartment special permit shall expire automatically upon change of ownership of the building or when the owner ceases to occupy the residence. In such event, the tenant of the accessory apartment shall be permitted to remain in the apartment for 90 days, if the owner of the residence so consents, unless the Planning Board approves an additional extension of time.

C. In the event that a residence with a valid accessory apartment special permit is sold or transferred, the new owner may, within 90 days from the taking of title, apply for an accessory apartment special permit. The new owner must meet all the requirements set forth in § 224-201 in order to obtain a permit. If an application is submitted within the ninety-day period, the new owner shall not be deemed in violation of this article as long as the application is pending, notwithstanding the fact that the previous accessory apartment special permit expired. Should a new owner maintain an accessory apartment but fail to apply for a special permit within 90 days from the taking of title, the new owner shall be deemed in violation of this article.

**§ 224-204 Penalties for offenses.**

**A.** Any owner who allows occupancy of an accessory apartment in violation of any provision of this article or any condition imposed by the Planning Board in granting the special permit shall be subject to the revocation of the accessory apartment special permit by the Planning Board.

**B.** In addition to the foregoing, any building owner who fails to obtain an accessory apartment special permit or who allows occupancy of an accessory apartment in violation of this article 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. Each month's continued violation shall constitute a separate additional violation.