



TOWN OF BABYLON
DEPARTMENT OF PLANNING & DEVELOPMENT
200 East Sunrise Highway
Lindenhurst, NY 11757-2598
Phone (631) 957-3102 Fax (631) 957-4254

APPLICATION FOR AN ACCESSORY APARTMENT PERMIT

GENERAL INFORMATION AND INSTRUCTIONS

The items listed below must be submitted with the completed application

1. Deed or Owner's Duplicate Certificate of Title: a copy of the recorded deed showing the liber and page numbers or a certified copy of the Owner's Duplicate Certificate of Title.
2. Floor Plans: for both apartments drawn to $\frac{1}{4}'' = 1'$ scale. Identify each plan as either the owner or tenant. The plan must show all parts of the house that are finished. Label all rooms in both units with dimensions. Include measurements (height and width) for all doors, windows and floor to ceiling heights. See sample floor plan. Attached is graph paper for your use.
3. Survey: survey of the property showing all structures (dwelling, additions, garage, decks, sheds, pool, etc.)
4. Certificate(s) of Occupancy (C.O.) - Copy of C.O. for the dwelling. Also include copies of C.O.s for any addition, garage, deck, shed, etc. (see note #1 on page 2)
5. Driver's license or Motor Vehicle non-driver photograph ID showing new address
6. Three proofs of residence: proof showing that you, the owner, live in the dwelling. **Utility bills, LIPA and water, are not acceptable.** Any three of the following items are acceptable:
 - a. Current telephone bill
 - b. Bank account statement
 - c. Credit card statement
 - d. Cablevision bill / Direct TV bill
 - e. Sworn affidavit from 3 adjoining neighbors (signed and notarized)
7. Photographs: two photographs – one photograph depicting the front of the house and one showing only the driveway with 4 cars parked in it. If any improvements are made to the house in the future, new photographs would be required for your file.
8. Building Permit Application: is required only if you plan to make changes that affect the structure of the house or if you need to legalize existing structures/improvements (see note on pg. 2)
9. Two self-addressed, stamped envelopes.
10. Fee (non-refundable): \$200.00 or \$75.00 for senior citizens over age 65 (proof of age required for senior citizen rate). If paying by check, make payable to the Town of Babylon.

***THE HOMEOWNER'S APARTMENT AND THE RENTAL APARTMENT
WILL BE INSPECTED***

**PLEASE CALL (631) 957-7468 OR 957-3102 TO SCHEDULE
APPOINTMENT TO SUBMIT YOUR APPLICATION**

GENERAL PROCEDURE

1. Schedule an appointment to submit your completed application.
Call (631) 957-7468 or 957-3102. The application and required documents will be reviewed on your scheduled date.
2. An inspection date will be scheduled for a Building Inspector to inspect both apartments in your residence. The Town is required to inspect the owner's apartment and the rental unit (including attics, basement, cellar, etc.). All structures on the property must also be inspected - garages, sheds, decks, pool, additions, etc.
Both the owner's apartment and the rental unit must be available for inspection Monday through Friday from 9:30 a.m. to 3:30 p.m.; if the inspector cannot gain entry to the premises on the scheduled date, a \$50.00 re-inspection fee will be charged.
3. If the dwelling fails inspection, all violations must be corrected and another inspection must be scheduled. If you schedule an inspection and previously cited items have not been corrected, you will be charged a \$50.00 re-inspection fee.
4. A public hearing will be scheduled. Public Hearing notices will be published in the Town designated newspapers. Your adjoining property owners will be notified of the hearing date. Sign(s) must be posted on the property ten days prior to the public hearing.
5. Your application will be heard by the Accessory Apartment Review Board.
6. A decision will be rendered by the Board (usually 4 to 8 weeks after the application is submitted).

NOTES:

1. The following structures/improvements require a building permit. If you do not have a building permit, you will be required to obtain one prior to getting an accessory apartment permit.
 - Awning patio roof
 - Cellar entrance
 - Decks (18" above grade)
 - Doll houses
 - Dormer
 - Extensions
 - Fences - 5' and 6' (depending upon location)
 - Finished basement
 - Garage
 - Garage Conversion
 - Gazebo
 - Outside second story deck and stairway
 - Pools (inground or above ground)
 - Sheds (depending upon size and location)
2. A plumbing permit is required for replacement of a boiler or a hot water heater.

ACCESSORY APARTMENT REQUIREMENTS

1. Dwelling must be three (3) years old with owner occupancy.
2. **A plumbing permit is required for the sink in a new second kitchen or may be required to legalize an existing sink in the second kitchen. You will be notified if a plumbing permit is necessary.**
3. A minimum of three hundred and fifty (350) square feet of habitable space for each unit. No rental unit may be contained in any other building or structure other than the main dwelling.
4. All rooms must have 80 square feet of habitable area.
5. One of the units in the dwelling must have no more than two (2) bedrooms.
6. Handrails on all stairways.
7. Stairways between units or hallway and over boiler must have 3/4 hour fire rated sheetrock.
8. One front door.
9. Battery-operated smoke detectors are required in each bedroom. Electrically hardwired smoke detectors are required for any hallway leading to a bedroom. One battery-operated smoke detector for each level of the dwelling including the basement/cellar and attic.
10. Per New York State Building Code, CO detectors must be installed on each sleeping level.
11. Solid core door assembly in each apartment entry (wood or metal). Raised panel doors are not acceptable.
12. Ceiling height must be a minimum of 7'-6".
13. Minimum of four (4) parking stalls (asphalt, concrete or decorative stone).
14. Exterior of house must be in good condition and free of debris.
15. Section 505 - Premises Identification: 505.1 Address numbers. New and existing building shall have approved address numbers, building numbers or approved building identification placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7).
16. A single family dwelling with an accessory apartment must comply with all requirements of the New York State Building Code and International Building Code and all the laws and housing requirements of New York State and the Town of Babylon and be maintained in a neat and orderly manner.

WHAT YOU SHOULD KNOW

ABOUT AN ACCESSORY APARTMENT PERMIT

1. It is a temporary exemption from the Town of Babylon zoning laws. It is not a guaranteed right and is renewable upon expiration.
2. The permit is granted, at the Board's discretion, for a maximum of three years.
3. To qualify, you must maintain this address as your primary residence.
4. If you move or sell the residence, the permit may be transferred to the purchaser of the dwelling, provided the purchaser executes and submits to the Commissioner of Planning and Development the proper application and legal documents within 30 days of the transfer.
5. Three months prior to the expiration date, you must reapply for the Accessory Apartment permit or remove the second kitchen and call for an inspection. You will be sent a renewal notice.
6. You must provide sufficient off street parking.
7. You must meet a number of very specific fire and structural requirements.

Town of Babylon

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FOR OFFICE USE ONLY

SCTM #0100-

Zoning Districts:

PTS Appl. # COP

Date Amount Receipt #

Proofs of Residence Submitted:

<input type="checkbox"/> Driver/Non-Driver ID	<input type="checkbox"/> Credit Card Statement
<input type="checkbox"/> Current Telephone Bill	<input type="checkbox"/> Cable/Direct TV Bill
<input type="checkbox"/> Bank Account Statement	<input type="checkbox"/> Neighbor Affidavits (3)

APPLICATION FOR ACCESSORY APARTMENT PERMIT

Property Owner's Information:

Owner's Name:

Owner's Address:

Home Telephone:

Business Telephone:

Fax Number:

Please answer the following questions:

% of Ownership:

Total # of cars (both units):

Age of house:

Are your tenant's related to you?

Yes

No

If yes, state relationship:

I consent to an inspection of the premises?

Yes

No

Please list names and address of adjoining property owners below:

(1)

(2)

(3)

(4)

I (we), the owner(s) of the dwelling, swear under penalty of perjury that the following is true:

- I (we) reside at the address shown above.
- I (we) own the percentage of this property as stated above.
- The documents, survey and plans submitted as part of the application are true and accurate for the subject premises.

Sworn to before me this _____ day of

_____, 200_____

Notary Public

Owner's Signature

