



**TOWN OF BABYLON**  
**DEPARTMENT OF PLANNING & DEVELOPMENT**  
 200 East Sunrise Highway  
 Lindenhurst, NY 11757-2598  
 Phone (631) 957-7468 Fax (631) 957-4254

**AFFIDAVIT OF TRANSFER FOR AN ACCESSORY APARTMENT PERMIT**

**GENERAL INFORMATION AND INSTRUCTIONS**

An Accessory Apartment Permit may be transferred to a purchaser of a dwelling within **30 days** of transfer of title provided the purchaser submits the attached application and necessary documents to the Department of Planning and Development.

**The items listed below must be submitted with the completed application**

1. Contract  
A copy of the executed contract of sale
2. Deed/Owner's Duplicate Certificate of Title  
A copy of the deed in form for filing with the Suffolk County Clerk's office
3. Fee (non-refundable) - \$300.00  
(\$75.00 for senior citizens over age 65 – proof of age must be provided)  
If paying by check, make payable to the Town of Babylon.

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**ADDITIONAL REQUIREMENTS**

The new owner shall submit the following items **within six months** of the Affidavit of Transfer application (failure to submit these documents may render the transfer of the permit null and void):

1. Deed/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. Three proofs of residence  
Three proofs of residence are required showing that you, the owner, live in the dwelling. **Utility bills, PSEG or water, are not acceptable.** Any three of the following items are acceptable:
 

a. Current telephone bill	d. Cablevision bill /Direct TV bill
b. Bank account statement	e. Sworn affidavit from 3 adjoining neighbors (signed and notarized)
c. Credit card statement	
3. Driver's license or Motor Vehicle non-driver photograph ID  
The ID must have the new address
4. Inspection of Premises  
An inspection of the dwelling and apartment is required and will be scheduled when the completed Affidavit of Transfer application is submitted.

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

**PLEASE MAKE ALL COPIES BEFORE SUBMITTING APPLICATION**

## GENERAL PROCEDURE

1. Schedule an appointment to submit your completed application.  
Call 957-7468 to schedule an appointment to submit your application. 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, 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. Upon fulfillment of all requirements, the permit shall be transferred for a three year term commencing from the date of conveyance of title.

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### 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
  - Dwelling
  - Extensions
  - Fences - 5' and 6' (depending upon location)
  - Finished basement
  - Garage
  - Garage conversion
  - Gazebo
  - Outside second story deck and stairway
  - Pools (in-ground 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 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.
3. All rooms must have 80 square feet of habitable area.
4. One of the units in the dwelling must have no more than two (2) bedrooms.
5. Handrails on all stairways.
6. Stairways between units or hallway and over boiler must have 3/4 hour fire rated sheetrock.
7. One front door.
8. Electric smoke detector is required for each hallway outside bedrooms; battery operated smoke detectors are required in each bedroom. If applicable, a battery operated smoke detector is required in the cellar or basement.
9. Per New York State Building Code, CO Detectors must be installed on every sleeping level.
10. Solid core door assembly in each apartment entry (wood or metal). Raised panel doors are not acceptable.
11. Ceiling height must be a minimum of 7'-6".
12. Minimum of four (4) parking stalls (asphalt, concrete or decorative stone).
13. Exterior of house must be in good condition and free of debris.
14. 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).
15. A two family dwelling must comply with all requirements of the New York State 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.
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

Department of Planning and Development  
200 East Sunrise Highway, Lindenhurst, NY 11757-2598  
Phone No. (631) 957-7468 Fax No. (631) 957-4254

## **APPLICATION FOR AFFIDAVIT OF TRANSFER FOR ACCESSORY APARTMENT PERMIT**

### **FOR OFFICE USE ONLY**

SCTM #0100-

Zoning Districts:

PTS Appl. #

COP

Date

Amount

Receipt #

Proofs of Residence Submitted:

Driver/Non-Driver ID

Credit Card Statement

Current Telephone Bill

Cable/Direct TV Bill

Bank Account Statement

Neighbor Affidavits (3)

### **NEW 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

PREVIOUS Owner's Name:

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

\_\_\_\_\_, 20\_\_\_\_

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

\_\_\_\_\_  
Owner's Signature