



# Town of Philipstown

Code Enforcement Office  
238 Main Street, PO Box 155  
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

## HOME OCCUPATION

### 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 is required for occupying an area greater than 30% or 1,000 square feet or employing more than one nonresident employee.
5. **SEWAGE DISPOSAL SYSTEM and POTABLE WATER SUPPLY** – Written approval may be required from the Putnam County Health Department for the adequacy of the septic system for home occupation not located in the dwelling.
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 self insured 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-1 affidavit.

# **Home Occupation**

Home occupation can be regulated by the Residential Code of New York State 2010 Appendix RJ Existing Buildings and Structures, when located in the residence and no greater than 15% in area.

Home occupations exceeding the limitations of 15% and/or located in a separate structure shall comply with the Building Code of New York State.

## **Residential Code of New York State 2010, Appendix RJ Existing Buildings and Structures;**

**RAJ 2 - HOME OCCUPATION.** The use of a portion of a dwelling unit for nonresidential purposes by a resident thereof.

**RAJ102.5 Home occupations.** It shall be prohibited to conduct a home occupation in a dwelling unit except as provided for in RAJ102.5.1. A home occupation shall be conducted wholly within the primary structure on the premises. No provision of this section shall be construed to repeal, modify or constitute an alternative to any lawful zoning regulation which is more restrictive than this section.

### **§RAJ102.5.1 Conditions.**

1. The home occupation shall meet all requirements for habitable space and *shall not exceed 15 percent of the floor area* of the primary structure.
2. No more than one person not residing in the dwelling unit may be employed in the home occupation.
3. Inventory and supplies shall not occupy more than 50 percent of the area permitted to be used as a home occupation.
4. The home occupation shall not involve any operation considered to be hazardous.

# Town of Philipstown Zoning

## **175-41 Home occupations.**

**A. Purpose and intent.** The conduct of small-scale low-impact business and professional uses on residential properties shall be permitted under the provisions of this section. It is the intent of this section to:

- (1) Ensure the compatibility of home occupations with other uses;
- (2) Maintain and preserve the rural and historic character of the Town; and
- (3) Allow residents to engage in gainful employment on their properties while avoiding excessive noise, traffic, nuisance, fire hazard, and other possible adverse effects of nonresidential uses.

## **B. Criteria and standards.**

(1) Home occupation as use permitted by right. Home occupations shall be permitted uses if they are in compliance with the following criteria and standards:

(a) The home occupation may be conducted only by residents of the dwelling unit plus no more than one nonresident assistant or employee at any one time. A home occupation may be conducted within a dwelling unit and/or within accessory structures. An area no larger than 30% of the floor space of the primary dwelling unit may be occupied by home occupations, up to a maximum of 1,000 square feet, including screened exterior storage space.

(b) A home occupation shall be incidental and secondary to the use of a dwelling unit for residential purposes. It shall be conducted in a manner which does not give the outward appearance of a business, does not infringe on the right of neighboring residents to enjoy the peaceful occupancy of their dwelling units, and does not alter the character of the neighborhood.

(c) Signs used in conjunction with a home occupation shall not be animated or illuminated and shall not exceed three square feet.

(d) Parking shall be adequate for nonresident employees and customers or clients. A maximum of one business vehicle of up to 24,000 pounds gross vehicle weight may be parked regularly in a location visible from a public road or neighboring properties.

(e) Automobile and truck traffic generated shall not be greater than the volume of traffic that would normally be generated by a residential use, unless the residence is located on New York State Route 9.

(f) There shall be no exterior storage of materials, equipment, vehicles, or other supplies used in conjunction with a home occupation, unless screened from the road and from

other properties by buildings, vegetation, natural topography, or fencing that complies with § 175-15I (if applicable).

(g) No offensive appearance, noise, vibration, smoke, electrical interference, dust, odors, or heat shall occur. The use of substances in a manner which may endanger public health or safety or which pollute the air or water shall be prohibited. No hazardous materials, such as oil, propane, gasoline and other toxic chemicals, shall be used or stored on the property in quantities that may pose a threat to public health or safety.

(h) More than one home occupation may be conducted on a lot, provided that the combined impact of all home occupations satisfies these criteria and standards.

**(2) Home occupation by special permit.**

(a) A home occupation occupying an area greater than that permitted in Subsection (B)(1)(a) above or employing more than one nonresident employee may be allowed by special permit, provided that it satisfies all criteria for granting of special permits as well as all other criteria and standards in Subsections (B)(1)(a) through (h) above. Such criteria shall become standard conditions of the special permit. In no case shall the area occupied by home occupations allowed by special permit exceed the lesser of 40% of the floor space of the primary dwelling unit or 2,000 square feet, including screened exterior storage space.

(b) A special permit granted for a home occupation shall include a condition requiring the operator to obtain *an annual operating permit from the Zoning Administrative Officer at a fee of \$75 per year* or such other amount as may be established by resolution of the Town Board, beginning in the second year of operation. Such operating permit shall be granted after the Zoning Administrative Officer inspects the premises and finds the home occupation to be in compliance with all conditions of the special permit.