

Bedford Hills, New York
June 19, 2012

A public hearing was held by the Town Board of the Town of Bedford on June 19, 2012 to consider the adoption of revisions to Chapter 125-3 and 125-28 of the Code of the Town of Bedford – Customary Home Occupation and was held at the Town Offices, 321 Bedford Road, Bedford Hills, New York. The meeting was called to order at 7:30 P.M. by Supervisor Roberts.

Present: Lee V. A. Roberts : Supervisor
Peter Chryssos : Councilman
Francis T. Corcoran : Councilman
Chris Burdick : Councilman

Lisbeth Fumagalli : Town Clerk
Joel H. Sachs : Town Attorney
Jeffrey Osterman : Town Planner
Steven Fraietta : Building Inspector
Amy Pectol : Receiver of Taxes

Absent: David Gabrielson : Councilman

And nine (9) residents/observers.

Proof of Publication was presented and ordered filed. The notice was published in the Bedford Pound Ridge Record Review on June 8, 2012.

Mr. Osterman reviewed the proposed legislation and the changes from the original law.

Mrs. Roberts opened the floor to public comment.

A resident asked what would happen if some one was conducting a business in their home without a permit. Mr. Sachs responded that a violation would be issued and it would be a court matter.

There were no further comments.

On a motion by Mr. Burdick, seconded by Mr. Chryssos, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby close the public hearing to consider the adoption of revisions to Chapter 125-3 and 125-28 of the Code of the Town of Bedford – Customary Home Occupation.

On a motion by Mr. Burdick, seconded by Mr. Corcoran, the following resolution was ADOPTED

Ayes: Roberts, Chryssos, Corcoran, Burdick
Nays: None
Absent: Gabrielson

RESOLVED that the Town Board does hereby adopt the following legislation:

REVISIONS TO THE ZONING ORDINANCE CUSTOMARY HOME OCCUPATION SECTIONS

125-3 Customary Home Occupation Definition

Customary Home Occupation – An occupation of a service character accessory to and customarily conducted entirely within a lot by the residents thereof, which use is incidental and

secondary to the use of the lot for residential purposes, does not change the character thereof, does not have any exterior evidence of such accessory use and does not involve the keeping of a stock in trade.

Occupations which are carried on by a single individual which involve no more than five (5) visitors and three (3) deliveries per day to the lot are exempt from this ordinance provided they meet all the Town building and zoning criteria.

125-28 Customary Home Occupation

- A. It is the intent of this section to permit customary home occupations to be conducted and carried on in an existing dwelling unit or in an existing accessory structure, provided that such customary home occupation does not disturb the residential characteristics and nature of the neighborhood in which it is located.

- B. A customary home occupation is a special use permit for which the Planning Board is authorized to grant a special use permit in all residential zoning districts subject to the following conditions:
 - (1) The use is conducted solely within the dwelling unit or in an existing accessory structure by the occupants of the dwelling and the use is clearly incidental and secondary to the use of the dwelling unit for living purposes.
 - (2) There is no external display or advertising of goods or services or other external evidence of such use except for one nonilluminated nameplate not over one square foot in area, with letters not exceeding 1 ½ inches in height.
 - (3) The establishment of such occupation shall not require external alterations or involve exterior construction features not customarily found in residential neighborhoods with the exception of alterations required for handicapped accessibility.
 - (4) The occupation does not utilize an area exceeding 25% of the floor area of the first story of the dwelling unit or 500 square feet, whichever is less. In the case of an accessory structure, the limits of not more than 25 percent of the first floor of the residential building or 500 square feet shall also apply. In addition, there shall be no expansion of the existing building area of an accessory structure to permit the home occupation.
 - (5) The appliances and equipment shall be operated in such a manner that they do not produce and emit, beyond the boundaries of the lot on which the use is located, dust glare, hazard, heat, light, noise, nuisance, odor, radiation, radio or television interference, smoke or vibration and are in no other manner obnoxious, offensive or detrimental to the immediate neighborhood.
 - (6) The use itself is conducted in such a manner or during such hours that it is no way obnoxious, offensive or detrimental to the immediate neighborhood.
 - (7) There are to be no employees other than members of the family residing in the dwelling unit.
 - (8) No article is sold or offered for sale except such as produced by members of the immediate family residing in the dwelling.
 - (9) In the case of an instructor in violin, etc., music teacher or tutor of standard scholastic subjects, the office or studio shall be so equipped and used that the sounds therefrom shall not be heard beyond the boundaries of the premises on which the use is located.

- (9A) No more than one client shall be served by the customary home occupation at one time on the property.
- (10) There shall be no more than one customary home occupation within a lot.
- (11) There shall be no outside storage of equipment, supplies and/or commercial vehicles related to the permitted home occupation.
- (12) The Planning Board shall determine the number of off-street parking spaces that must be provided, their location on the lot and the screening which shall be provided. The customary home occupation shall be so conducted that on-street parking shall not exceed what would be expected for a residence without such home occupation, and, if it is not so conducted, the special use permit shall be subject to revocation.
- (13) The proposed customary home occupation and the parking and traffic incident thereto:
 - (a) Will not create or aggravate hazards or dangers to the public or to persons in the vicinity.
 - (b) Will not be incongruous with or detrimental to the prevailing residential character to the neighborhood.
 - (c) Will not impair the use, enjoyment or value of adjacent residential properties.
 - (d) Will not detract from the appearance of the area.
- (14) The Planning Board may permit a customary home occupation in an accessory structure which has existed for at least 5 years and, in the opinion of the Planning Board, meets all conditions of this section. In evaluating the proposal the Planning Board shall consider whether an accessory structure's use for a customary home occupation will alter the existing residential character of the neighborhood.
- (15) The Planning Board must first consider the following before granting a special use permit hereunder:
 - (a) In making any determination whether to approve or deny a special use permit for a customary home occupation, the Planning Board shall take into account other factors, such as the proximity of schools and other home occupations.
 - (b) In addition in granting any such permit, the Planning Board may impose reasonable conditions consistent with preserving the character of the neighborhood and the public health, safety, morals and general welfare of the community appropriate to the application. Among the limitations which may be imposed are:
 - (1) A limit on the hours of operation and on the number of visitors permitted per hour.

- (2) Notwithstanding Subsection (B)(11) above, a prohibition of on-street parking.
 - (3) A requirement that visitors must have scheduled appointments.
 - (4) A limit on the number of vehicles that may be parked in the driveway or designated parking area of the premises at any one time.
 - (5) A requirement that driveways must be expanded, or may not be expanded to accommodate visitor parking.
 - (6) Restrictions on public advertising inviting patients, clients, customers or students to visit the premises if the premises is identified by specific address.
 - (7) The scope of the use for which the residence is to be used and/or any other restrictions which may be reasonable, in light of the potential adverse impacts of operation of the customary home occupation to the neighborhood.
 - (8) Other conditions as appropriate to the application.
- (16) Any such special permit granted under this section shall be limited to a period of one year and may be renewed for additional periods as determined by the Planning Board.
- (17) Any permit granted by the Planning Board shall apply only to the use described in such permit, and it shall expire upon the termination or modification of such use, the sale of the property, or any increase in the future size of the dwelling unit or accessory structure.
- (18) In considering any special use permit for a customary home occupation the Planning Board shall consider whether the site has been subject to a current violation of any provision of the Zoning Code, or is a nonconforming structure in any respect, and may deny the permit based on that information.

C. Inspection.

- (1) All residents engaging in existing home occupations, as well as those receiving special permits pursuant to this section, shall be subject to the right of inspection of their premises by the Building Inspector or Code Enforcement Officer upon 30 days written notice.
- (2) The failure to permit an annual inspection by the Building Inspector or Code Enforcement Officer shall constitute a violation of the provisions of this section and result in the immediate revocation of the lawfully permitted home occupation.
- (3) All presently existing customary home occupations must come into compliance with this section within 10 years of the effective date. For all other purposes, until the expiration of the ten-year period, said customary home occupations shall be deemed nonconforming accessory uses and shall be subject to compliance with the regulations of 125-11 of this chapter.

- D. Penalties for offenses. Any owner who fails to secure a special permit for the operation of a customary home occupation, as provided in this chapter, or who otherwise violates the provisions of this chapter shall be guilty of an offense punishable by a fine of up to \$250 or imprisonment not to exceed 15 days, or both, upon conviction of a first offence; and for the second and each

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subsequent conviction, by a fine of not less than \$500 nor more than \$1,000 or imprisonment not to exceed 15 days, or both. Each week's continued violation shall constitute a separate additional violation.

Mrs. Roberts offered her thanks to the Planning Board for their efforts on these changes to the Town Code.

There being no further discussion the hearing was adjourned at 7:42 pm.

Lisbeth Fumagalli, Town Clerk