

I move to amend Section 200-17, Accessory apartments, E. and K. as follows:

200-17 Accessory apartments

E. Strike the following language: Eligible structures. All one-family dwellings, any two-family dwelling with a valid special use permit for that use and any conforming commercial structure shall be eligible for this special use permit whether existing or newly constructed. An accessory building shall be eligible for this special use permit if such accessory building was constructed prior to the effective date of this chapter or if the accessory building has been in existence at least five years prior to an application for construction of an accessory apartment.

and replace with:

E. Eligible structures. All one-family dwellings, any two-family dwelling with a valid special use permit for that use, any conforming accessory structure, and any conforming commercial structure shall be eligible for this special use permit whether existing or newly constructed. A detached accessory apartment shall not exceed 75% of the primary dwelling or 2,000 square feet, whichever is less. The detached accessory apartment must remain on the same building lot as the primary dwelling.

K. Strike the following language: Adequacy of infrastructure. The Planning Board may seek the input of the Dutchess County Health Department in determining whether the sewer and water facilities on the site where the accessory apartment is to be located are adequate or contain natural resource constraints to the expansion of such facilities or where the additional occupancy will cause a greater burden on such systems than they were designed to accommodate. Failure to promptly correct any water quality or sewage system problem shall result in revocation of the special use permit. No special use permit shall be granted in any case where the Dutchess County Health Department has determined that the water or sewage system serving the principal dwelling or commercial structure is for any reason not capable of handling the additional demand that the accessory unit would impose on it.

And replace with:

K. Adequacy of infrastructure. The Zoning Board of Appeals may seek the input of the Dutchess County Health Department in determining whether the sewer and water facilities on the site where the accessory apartment is to be located are adequate or contain natural resource constraints to the expansion of such facilities or where the additional occupancy will cause a greater burden on such systems than they were designed to accommodate. Failure to promptly correct any water quality or sewage system problem shall result in revocation of the special use permit. No special use permit shall be granted in any case where the Dutchess County Health Department has determined that the water or sewage system serving the principal dwelling or commercial structure is for any reason not capable of handling the additional demand that the accessory unit would impose on it when the water and sewer facilities are to be shared with the principal dwelling unit. Board of Health approval shall be required for separate water and sewer facilities if the accessory dwelling unit will be served by a separate facility from the principal dwelling unit.