

APPLICATION FOR AFFORDABLE ACCESSORY APARTMENT IN A SINGLE FAMILY RESIDENCE

Pursuant to Section 255-11-63 of the East Hampton Town Code, certain criteria must be met in order for the Building Inspector to approve an application to construct an affordable accessory apartment. As the applicant, it is your responsibility to show that these criteria have been met. Three copies of the following documents must be submitted for review purposes:

1. Building Permit Application and fee- Completed, signed, and notarized. The Building permit fee will be determined by the Building Inspector.
2. Building Plans. One (1) complete set of plans and specifications for all proposed construction in conformance with the New York State Uniform Fire Prevention and Building Code and all other applicable regulations. This set will be kept in the Building Department files. Applicant shall keep one (1) duplicate set of plans on the site during the course of constructions. Plans shall describe the nature of the work to be performed and shall clearly indicate the materials to be used, the equipment to be installed and shall give details of all electrical, mechanical, plumbing and structural installations.
3. Guaranteed Survey that reflects the proposed location of the apartment, if it is an addition to an existing residence or where the apartment is to be located, if within the existing residence. The survey must also clearly show:
 - a. All property lines with directional bearing and distances, the property's relationship to adjoining premises and public streets;
 - b. The location of all existing and proposed buildings, structures and uses, with setback dimensions from property lines, existing and proposed driveways and parking areas, sewerage disposal systems; and
 - c. Suffolk County Department of Health Services approval, if needed.
4. Floor Plan of the existing or proposed residence as it shall exist after any alterations or modifications are made to construct the apartment.
5. One photograph of each of the front, rear and each side of the existing dwelling on the premises which is the subject of the application.
6. Photographs depicting the location of any existing driveways, and if not included on the survey drawn to scale all building, structures, walks, drives and other physical features of the premises and the location of and access to existing and proposed off-street parking (you are required to provide two (2) additional parking spaces for the apartment within a driveway).
7. Proof of residency for the owner of the residence. Residency may be established by providing government issued photo identification, New York State income tax forms and/or a voter registration card listing the address of the owner as the property upon which the apartment is to be constructed. This list of

documents is not exclusive and if there are other means by which to prove residency, the Building Inspector will review them on a case-by-case basis.

8. Photo identification of the owner of the property.
9. A duly executed and acknowledged written consent to inspection and intent to construct an affordable accessory apartment.
10. A fully executed Declaration of Covenants and Restrictions signed by the owner(s) of the property and stating certain terms and conditions of the usage of the proposed apartment as set forth by the East Hampton Town Board. The Declaration must be recorded at the Suffolk County Clerk's Office before a temporary certificate of occupancy will be issued.

After an inspection of the property, review and approval of the plans and specifications by the Building Inspector, the Town Attorney will review the Declaration of Covenants and Restrictions, and forward the application back to the Building Inspector for approval and issuance of a building permit.

After the construction takes place and the residence passes final inspection, the Building Inspector is authorized to issue a temporary certificate of occupancy for the limited purpose of obtaining approval from the Office of Housing and Community Development for both the Landlord and Tenant. Once approval is obtained from the Office of Housing, a certificate of occupancy may be issued by the Building Inspector and the apartment may be occupied.

The apartment may not be occupied until a final certificate of occupancy is obtained.

I hereby certify that to the best of my knowledge, all of the information contain herein is true. I also certify that the purpose of this building permit application is to receive approval to construct an affordable accessory apartment in a single family residence and that the Town Code requires that the apartment remain affordable and I intend to comply with the regulations and conditions contained in Section 255-11-63 of the East Hampton Town Code to construct and maintain an affordable accessory apartment.

I also acknowledge that as a result of this application, the Building Inspector or his/her designee has the right and the obligation, in the event of an emergency as determined by the Building Inspector, and upon notice to me or my agent, to enter upon any portion of the premises to protect the health, safety and welfare of the residents or to perform any duty required of him/her under the Code of the Town of East Hampton, the New York State Uniform Fire Prevention and Building Code and/or the rules and regulations of any other agency having jurisdiction over my residence.

Applicant's signature

Date

State of New York }

ss

County of Suffolk }

Sworn to me **this**__ day of

20__

Notary Public

CONVENANTS AND RESTRICTIONS
ACCESSORY APARTMENTS FOR SINGLE FAMILY RESIDENCE

These Covenants and Restrictions, made as of this of _____, _____, by
Residing at _____
Hereinafter referred to as the "Declarant", as owner of the real property described herein.

WITNESETH

WHEREAS, Declarant is the owner of certain real property situate at
Town or East Hampton, Tax Map# _____, and further described as set forth in
Schedule A attached hereto.

WHEREAS, Declarant is desirous of constructing an accessory apartment or apartments within a
single family residential structure on the subject property identified above in compliance with
section 255-11-63 and all other applicable provisions of the East Hampton Town Code:

NOW, THEREFORE, in conformance with said section 255-11-63 of the Town of East
Hampton Zoning Code:

DECLARANT hereby covenants and agrees, that the apartment (s) over the store to be
constructed on the subject property shall be constructed in conformance with all applicable
provisions of the Town Zoning Code and shall at all times comply with the following restrictions
and limitations:

- (1) The principal dwelling must be owner-occupied;
- (2) The apartment or any proprietary or other interest therein will not be sold to the
tenant or any other party, except as part of a sale of the entire residence in which the
apartment is located;
- (3) The affordable accessory apartment will be used only for the year-round occupancy
of an East Hampton Town resident;
- (4) The affordable accessory apartment is the legal domicile of all tenants therein;
- (5) Rent charged to the tenant of the apartment must be stated in the lease and is not to
exceed that set forth for an Affordable Housing Unit pursuant to Section 255-1-20 of the
East Hampton Town Code;
- (6) All leases of the rental apartment shall be in writing available to the Office of
Housing and Community Development and must contain the following provisions;

- (a) A minimum term of one (1) year;
- (b) No more than two (2) persons are permitted to reside in the apartment;
- (c) The apartment must serve as the year-round legal residence of the tenant; (d)

The tenant consents to an inspection upon reasonable notice by the Building Inspector or his/her designee, for the purpose of determining whether the apartment and all other structures on the property are in compliance with the Code of the Town of East Hampton, The New York State Uniform Fire Prevention and Building Code and/or the rules and regulations of any other agency having jurisdiction. The failure to schedule an inspection after due notice from the Town or resisting, obstructing and/or impeding the agents, servants, officers and/or employees of the Town of East Hampton during an inspection of the premises is a violation of the East Hampton Town Code and subject to the fines and penalties provided herein;

(7) The Building Inspector, or his/her designee, has the right to inspect the entire property, upon reasonable notice, for the purpose of determining whether the apartment and all other structures on the property are in compliance with the Code of the Town of East Hampton, the New York State Uniform Fire Prevention and Building Code and/or the rules and regulations of any other agency having jurisdiction;

(8) DECLARANT shall submit a copy of the lease and supporting documentation to the Office of Housing and Development on an annual basis and prior to renting the apartment to a new occupant. The Office of Housing and Community Development shall collect an application fee for each annual renewal and for each new occupant, and shall certify that the proposed tenant(s), any other occupant(s), and the rental agreement meet the rental eligibility requirements for an "accessory apartment" set forth in the East Hampton Town Code;

(9) The apartment or any proprietary or other interest therein shall not be sold to the tenant (s) or any other party, except as part of a sale of the entire building in which the apartment is located;

(10) These Covenants and Restrictions have been imposed for the benefit of the Town of East Hampton's Affordable Housing Program to ensure compliance with the Zoning Code of the Town of East Hampton, and may be enforced by the Town in any manner provided by law, and nothing in this instrument shall be deemed to preclude the Town from exercising any particular legal or equitable remedy otherwise available to it to enforce the provisions hereof;

(11) The Town of East Hampton has approved and consented to the filing and/or recording of these Covenants and Restrictions in its present form and these Covenants and Restrictions may not be terminated, revoked, or abandoned, nor may any of their terms,

restrictions, provisions, or conditions be amended or modified in any manner, without the prior written consent of the Town of East Hampton;

(12) In the absence of such prior written consent by the Town of East Hampton, the terms, restrictions, provisions, and conditions of these Covenants and Restrictions shall continue to apply to the structure hereby designated as an apartment (s) within a single family residential structure regardless of how or whether such apartment (s) is/are hereafter enlarged, modified, or in any way altered by Declarant or Declarant's successors in interest;

(13) The DECLARANT shall record these Covenants and Restrictions against the property record for the subject premises at the Office of the Suffolk County Clerk;

(14) These Covenants and Restrictions shall be enforceable by the Town of East Hampton by injunctive relief or by any other remedy in equity or at law. The failure of said Town of East Hampton to enforce the same shall not be deemed to affect the validity of this covenant nor to impose any liability whatsoever upon the Town of East Hampton or any officer or employee thereof;

(15) These covenants and restrictions shall run with the land and shall be binding upon the DECLARANT, its successors and assigns, and upon all persons or entities claiming under them, and may be terminated, revoked or amended only with written consent of the Town of East Hampton;

(16) DECLARANT and DECLARANT's successors and assigns shall include these covenants and restrictions in every instrument of conveyance to a grantee, vendee, lessee, mortgagee, or other person or entity acquiring an interest of whatever kind or nature in the premises, expressly subjecting the conveyance thereof to these covenants and restrictions. These covenants and restrictions, however, shall apply to and govern the use and occupancy of the premises, notwithstanding the failure to set them forth or include them in an instrument of conveyance;

(17) These covenants and restrictions shall be construed to be in addition to and not in derogation of limitation of any relevant provisions of local, state, and federal laws, ordinances or regulations in effect at the time of the execution of this agreement, or at the time such laws, ordinances, or regulations may thereafter be promulgated amended or revised; and

(18) If any section, subsection, paragraph, clause, phrase or provision of these covenants and restrictions shall, by a Court of competent jurisdiction, be adjudged illegal, unlawful, invalid, or held to be unconstitutional, the same shall not affect the validity of these covenants as a whole, or any other part or provision hereof other than the part so adjudged to be illegal, unlawful, invalid, or unconstitutional.

IN WITNESS WHEREOF, the DECLARANT has caused this instrument to be duly executed as of the date and year first above written.

Signature of Declarant

Name of Declarant

ACKNOWLEDGEMENT

STATE OF NEW YORK, SS:
COUNTY OF

On the day of before me personally came
Known to me to be the individual described in the foregoing instrument and he/she duly
acknowledged that he/she executed the same.

Notary Public

ACKNOWLEDGEMENT

STATE OF NEW YORK, SS:
COUNTY OF

On the day of before me personally came
Known to me to be the individual described in the foregoing instrument and he/she duly
acknowledged that he/she executed the same.

Notary Public

Approved as to Form, Content, and Execution

Town Attorney

RECORD AND RETURN TO:
TOWN CLERK
TOWN OF EAST HAMPTON
159 Pantigo Road
East Hampton, New York 11937

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