



Tom Corcoran <tcorcoran@marlboroughny.us>

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## Danskammer House

1 message

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**Chris Brand** <cbrand@marlboroughny.us>

Thu, Jun 22, 2017 at 5:26 PM

To: Tom Corcoran <tcorcoran@marlboroughny.us>

Tom,

I detailed in my monthly report the following:

- The Board also requesting a review letter from the Town Building Inspector regarding use, proposed construction in regards to Section 155-23, and handicap accessibility.

If you could provide the above for our July 17th Meeting I would appreciate it.

Thanks,

Chris

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Chris Brand

Town of Marlborough Planning Board Chairman

**TOWN OF MARLBOROUGH**  
PO Box 305 Milton NY 12547  
**DEPARTMENT OF BUILDINGS**  
TEL NO. (845) 795-2406 Ext. # 7 : FAX NO. (845) 795-6171

**THOMAS CORCORAN JR.**  
BUILDING INSPECTOR  
CODE ENFORCER

**June 23, 2017**

**Re: Planning Board Request / Danskammer House / 11 West Street**

**S.B.L. : 102.2-4-22.310**

This letter is in response to a request by the Town of Marlborough planning board to clarify Section 155-23 "*Home Occupation*" in the Town Code.

In regards to the use :

This property is in the R District and town code section 115-12" *Use Regulations* " does allow, under special use , a home occupation ( more specific to this project - bed and breakfast ) With that said town code section 155-23 "*Home Occupation*" tells us the following conditions that the home occupation shall meet. ( Sub section A - F attached )

*More specific to questions ask to me by planning board ( Under Town Code ) :*

- (A) is the 35% rule of total floor space. This percent increases to 50% based on it being a bed and breakfast ( Town Code Section 155-1 "*Terms Defined* " ) The definition of a bed and breakfast is " limited to 50% of the structure "
- (D) structural alteration to the principal building. The applicant was issued a building permit for the renovation of a one family home. The building permit was issued prior to the application to the planning board for the purpose of a bed and breakfast.

*Specific to the 2015 International Building Code these are the regulations for Bed & Breakfast :*

1. Handicap accessibility is addressed in commercial applications. A bed and breakfast is classified as a residential one family home as a home occupation and will comply with the residential code Appendix J 704 ( Attached ) Because it is not governed under the commercial law, handicap accessibility is suggested but not required from what I can find.
2. A Bed and Breakfast shall have no more than five sleeping rooms and NO sleeping rooms shall be located above the second floor.
3. Means of egress shall have a limited area sprinkler system protecting all interior stairs serving as a means of egress ( already addressed )

Any further questions or concerns please do not hesitate to contact me.

Thank You.



**Thomas J. Corcoran Jr.**  
Building Inspector  
Code Enforcement Officer

**§ 155-23. Home occupations.**

All home occupations shall meet the following conditions:

- A. The home occupation shall be clearly incidental to the principal use of the residential structure in which it is located, and no more than one home occupation shall be conducted on the premises. Such use shall not exceed 35% of the total floor area of the dwelling unit within which the home occupation is conducted, *inclusive of preexisting* attached garages, exclusive of accessory buildings whether or not attached to the principal structure.
- B. The home occupation shall be conducted solely by the owner residing on the premises. Except as specified in Subsection E below, no other persons shall be permitted to share, let or sublet space within the residence for home occupation use.
- C. The home occupation shall be conducted entirely within the principal structure, and there shall be no visible exterior display of goods or external evidence of such home occupation, such as a commercial vehicle which exceeds the standards set forth in § 155-27. *Only the signs permitted by § 155-28B hereof shall be allowed.* The home occupation shall not change the residential character of the building or of the neighborhood in which it is situated. **[Amended 8-22-1994 by L.L. No. 2-1994]**
- D. There shall be no structural alteration to the principal building in order to accommodate the home occupation. Home occupations shall generate no noise, odor, vibration, smoke, dust, traffic or other objectionable effects.
- E. No more than two nonresident persons, other than family members related by blood or marriage, may be employed to assist the operator of the home occupation.
- F. All home occupations are subject to an annual fee which will be set by the Town Board at the annual reorganizational meeting. **[Amended 8-22-1994 by L.L. No. 2-1994]**



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