



Tom Corcoran <tcorcoran@marlboroughny.us>

Danskammer House

1 message

Chris Brand <cbrand@marlboroughny.us>
To: Tom Corcoran <tcorcoran@marlboroughny.us>

Thu, Jun 22, 2017 at 5:26 PM

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]

SRAJ704: BED AND BREAKFAST DWELLINGS

SRAJ704.1 Scope. Owner-occupied one-family dwellings converted for use as bed and breakfast dwellings as defined in Section RAJ202 shall comply with this section.

SRAJ704.2 Occupancy. A residence converted to a bed and breakfast dwelling shall have no more than five sleeping rooms for accommodating up to 10 transient lodgers.

SRAJ704.3 Special conditions. A one-family dwelling is permitted to be converted for use as a bed and breakfast dwelling under the following conditions:

1. No sleeping rooms for transient use shall be located above the second story.
2. A fire-safety notice shall be affixed to the occupied side of the entrance door of each bedroom for transient use indicating:
 - a. Means of egress;
 - b. Location of means for transmitting fire alarms, if any; and
 - c. Evacuation procedures to be followed in the event of a fire or smoke condition or upon activation of a fire or smoke-detecting or other alarm device.

SRAJ704.4 Means of egress. Means of egress shall include at least one of the following alternatives:

1. A limited area sprinkler system installed in conformance with NFPA 13D protecting all interior stairs serving as a means of egress;
2. An exterior stair conforming to the requirements of R311.7 of this code, providing a second means of egress from all above grade stories or levels; or
3. An opening for emergency use conforming to the requirements of Section R310 of this code within each bedroom for transient use, such opening to have a sill not more than 14 feet above level grade directly below and, as permanent equipment, a portable escape ladder that attaches securely to such sill. Such ladder shall be constructed with rigid rungs designed to stand off from the building wall, shall be capable of sustaining a minimum load of 1,000 pounds, and shall extend to and provide unobstructed egress to open space at grade.

SNYS101.2.1 The Residential Code.

The provisions of the 2015 IRC shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress, their accessory structures not more than three stories above grade plane in height, one-family dwellings converted to owner occupied bed and breakfast dwellings with five or fewer guest rooms, and plumbing, mechanical, and fuel gas systems and appliances servicing these structures.

Exceptions:

1. Live/work units located in townhouses and complying with the requirements of Section BC419 of the 2015 IBC shall be permitted to be constructed in accordance with the 2015 IRC for one- and two-family dwellings. Fire suppression required by Section BC419.5 of the 2015 IBC where constructed under the 2015 IRC for one- and two-family dwellings shall conform to the Section RP2904 of the 2015 IRC.
2. Home occupations in dwelling units complying with the requirements of Appendix RJ shall be permitted.
3. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the 2015 IRC where equipped with a fire sprinkler system in accordance with Section RP2904 of the 2015 IRC.