

**§ 197-31.1 Caregiver/Receiver Temporary Dwelling Unit.**

- A. One dwelling unit serving as a Caregiver/Receiver Temporary Dwelling Unit shall be permitted as an accessory use within a single-family dwelling in any district subject to special use permit approval by the Zoning Board. The Caregiver/Receiver Temporary Dwelling Unit shall be located within the principal building upon the granting of a special use permit by the Zoning Board of Appeals. The certificate of occupancy for the principal use shall clearly identify such Caregiver/Receiver Dwelling Unit and its floor area.
- B. Special Use Permit will be issued for a person or persons. When those person or persons are no longer occupying the unit the special permit will terminate.
- C. In addition to the above, a Caregiver/Receiver Temporary Dwelling Unit shall comply with the following provisions:
  - (1) The Caregiver/Receiver Temporary Dwelling Unit shall be clearly subordinate and attached to the single-family dwelling unit.
  - (2) The number of bedrooms in the Caregiver/Receiver Temporary Dwelling Unit shall be not more than two.
  - (3) The floor area of the Caregiver/Receiver Temporary Dwelling Unit shall be no greater than 1,000 net square feet.
  - (4) The Caregiver/Receiver Temporary Dwelling Unit and the single-family dwelling shall have a safe and proper means of entrance and egress, clearly marked and with a separate walkway, if applicable, for the purpose of fire safety and other uses, and may be assigned separate 911 addresses.
  - (5) In the Caregiver/Receiver Temporary Dwelling Unit there shall be a direct interior access from the Caregiver/Receiver Temporary Dwelling Unit to the primary residence.
  - (6) No more than three (3) persons may reside in the Caregiver/Receiver Temporary Dwelling Unit.
  - (7) Homeowners shall supply proper certification from the requisite authorities having jurisdiction over said property, including but not limited to, the entities approving the sufficiency of the water supply and sewage system to serve both the primary and Caregiver/Receiver Temporary Dwelling Unit. These approvals must be obtained prior to the issuance of a special use permit.
  - (8) Stairways leading to any floor or story above the first floor shall be located within the walls of the building wherever practicable. Stairways and fire escapes shall be located on the rear wall in preference to either side wall. In no instance shall a stairway or fire escape be located on any wall fronting on a street.
  - (9) The homeowner(s) of the single-family lot upon which the Caregiver/Receiver Temporary Dwelling Unit is located shall reside in one of the dwelling units on the premises.
  - (10) Any Caregiver/Receiver Dwelling Unit within a single-family dwelling that is in existence at the time of the adoption of this subsection, but has not received a special use permit or variance from the Zoning Board of Appeals, shall be subject to the provisions outlined above.
- D. Special Use Permit. For newly created Caregiver/Receiver Dwelling Unit, the Homeowner shall make an application for a building permit following approval of the special use permit. The review of such building permit and site/plot plan shall be limited in scope to the physical improvements, impacts and mitigation that are directly caused by and/or related to establishment of the Caregiver/Receiver Dwelling Unit. In no instance shall the approval of a special permit or site/plot plan for a Caregiver/Receiver Dwelling Unit be construed to prevent alterations to the premises that are unrelated to the Caregiver/Receiver Temporary Dwelling Unit, or to require an amendment to the approved special permit and site/plot plan for such unrelated alterations.
- E. Permit Duration. A special use permit issued pursuant to this provision is temporary and shall cease upon notice to or determination by the Town that the Caregiver/Receiver Temporary Dwelling Unit fails to meet any of the requirements of this Section.
- F. Exceptions. Any Caregiver/Receiver Temporary Dwelling unit that was granted a variance by the Zoning Board of Appeals and issued or entitled to a certificate of occupancy on or before the effective date of this section or that existed prior to the adoption of Chapter 16 of the 1981 Code of the Town of North Greenbush, L.L. No. 2-1981, are exempt from the requirements of this section except for paragraphs (9) and (11) of subsection (C) which shall be applicable. Homeowners claiming an exemption under this provision shall have the burden of proving the applicability of such exemption in accordance with the above requirements.