

ACCESSORY APARTMENTS / SHORT TERM RENTALS

Every municipality views these apartments differently. In the Town of Wappinger our zoning code treats these accessory apartments as **TEMPORARY** apartments.

Chapter 240-53 ACCESSORY APARTMENTS

The apartment must be within the existing home. We do not allow these apartments to be detached structures. (*Detached structures were allowed for a few short years only.*)

The apartment cannot exceed 35% of the existing total square footage of the house.

If the owner is enlarging their home to accommodate a parent, we use the proposed total square footage. In no case can they have two front doors.

The apartment can only be for a parent, sibling or child.

Clear and convincing proof of a family relationship is required.

A Declaration of Covenants must be filed in the DC Clerk's office and attached to the deed. This alerts a buyer's attorney that the apartment approval ends with the original applicant.

The apartment is not transferable. We do not recognize this apartment as a two-family or legal Mother/Daughter.

Upon the family member leaving the kitchen **must** be removed entirely and the home reverted to a single-family house.

Kitchen definition: a kitchen consists of appliances, cabinets (considered fixtures), and the sink. Everything must be removed and an inspection that the sink was capped off in the wall is required.

What if they have another immediate relative to use the apartment?

They must come into the zoning department to change the application to the new family member.

Exception: If the apartment is located in a house on one acre or larger, the homeowner can register one senior over 55 years old to occupy the apartment.

Please do not advertise a home with an apartment like a mother/daughter. It will be discovered during the Municipal search and cause havoc before closing.

We have been finding many illegal apartments in the last few years and that presents a problem for the seller and potential buyers. Sellers see this as valuable and will not be happy when the illegal apartment is discovered, and they must remove it.

SHORT TERM RENTALS

At this time, short-term rentals are not allowed in the Town of Wappinger. Any home currently hosting, as an Airbnb, is doing so illegally.

The Town Board is working on a Short-Term Rental Law, but if approved, will only allow them in R-40 (one-acre zoning) and larger zones. There will be a registration / permit process at that time.