

LOCAL LAW INTRODUCTORY No. 1 OF 2014
VILLAGE OF TUXEDO PARK, NEW YORK

**A LOCAL LAW AMENDING THE VILLAGE CODE RELATING TO THE
ISSUANCE AND DURATION OF BUILDING PERMITS**

BE IT ENACTED by the Village Board of the Village of Tuxedo Park, Orange County, New York as follows:

SECTION 1: PURPOSE.

The purpose of this local law is to amend Chapter 100 ("Zoning") of the Code of the Village of Tuxedo Park to place the responsibility for the issuance of building permits solely within the authority of the Building Inspector, and to impose restrictions upon the duration of open building permits for the purpose of securing and promoting the public health, comfort, convenience, safety and welfare of the Village and its residents.

SECTION 2. CHAPTER 100 ("ZONING").

Section 100-31 is hereby repealed and the following language substituted in its place:

Projects which would alter the external visual elements of a land parcel, lot, structure or building shall require the approval of the Board of Architectural Review prior to the issuance of a Building Permit.

Section 100-32 is hereby repealed and the following language substituted in its place:

- A. It shall be unlawful to construct or demolish any building or structure until the application and plans required by the Village Code shall have been approved by all appropriate Village boards and a permit issued by the Building Inspector, or such administrative official as the Board of Trustees may appoint, provided that the application and plans comply with all applicable laws, ordinances, codes, rules and regulations.
- B. An approved copy of the plans and specifications must be kept at the premises under construction until a Certificate of Occupancy therefore is issued.

Section 100-33 is hereby repealed and the following language substituted in its place:

Nothing in this Article shall be construed to prevent the Building Inspector from issuing a permit for the construction of part of a building or structure when plans and detailed statements meeting the requirements of the Village Code have been submitted and approved by the appropriate reviewing Board(s) having jurisdiction over such application, provided that the applicant posts a performance bond, letter of credit or cash security in an amount and form satisfactory to the Village and adequate to cover the cost to complete the balance of the project or the cost to remove the partial construction and restore the site, depending on which amount is most apt under the circumstances.

Section 100-34 is hereby repealed and the following language substituted in its place:

Every Building Permit, Certificate of Occupancy or Certificate of Completion issue by the Building Inspector under the provisions of this chapter shall have the signature of the Building Inspector, or his/her lawful designee, affixed thereto.

Subsection 100-53(H) is hereby repealed and the following language substituted in its place:

Once approved by the Board of Architectural Review, the Building Inspector is empowered to issue Building Permits, provided all other requirements of the Village Code and State Building and other codes, laws, rules and regulations have been satisfied.

Subsection 100-36(B) is hereby repealed and the following language substituted in its place:

B. Except as noted in Subsection A, permits shall be valid for a period of 18 months from their issuance, after which up to two six-month renewals shall be granted by the Building Inspector, upon the filing of an application therefor, payment in full of all application and escrow fees/replenishments outstanding, and posting of all required and up-to-date bonding and/or other security. In no case shall a permit be valid for more than 30 continuous months. Any work for which a building permit has been issued which remains less than fully complete after the expiration of the aforementioned 30-month period shall be required to submit a new application to each reviewing Board having granted the prior approval upon which the initial Building Permit was based, and to pay all associated new application fees and escrow monies. Said Board(s) shall review the application to ensure that there have been no significant changes to the surrounding area that may impact the project, and to ensure compliance with the prior approval. After all such new approvals have been granted; a new building permit may be issued by the Building Inspector in accordance with this Chapter.

Section 100-36, entitled "Expiration of permits" is hereby amended to include the following new Subsection C:

C. Any work for which a building permit has been issued which remains partially complete with no substantial progress over a continuous twelve-month period shall be considered an abandoned project, upon which event the building permit may be revoked, and which in any event shall be a violation of this Chapter.

SECTION 3: SUPERSEDING PROVISION.

To the extent that any State or local laws fail to provide specific authority for this Local Law, or otherwise appear to be in conflict with this Local Law, then such laws are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

SECTION 4: SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any

court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

SECTION 5: EFFECTIVE DATE.

This law shall take effect upon the filing of this Local Law with the New York Secretary of State in the manner provided for in the Municipal Home Rule Law.

DRAFT

PROPOSED LOCAL LAW RE ISSUANCE & DURATION OF BUILDING PERMITS

VILLAGE CODE SECTION 100-31 TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

Projects which would alter the external visual elements of a land parcel, lot, structure or building shall require the approval of the Board of Architectural Review prior to ~~consideration by the Board of Trustees for a Building Permit. (Article VIII.)~~ the issuance of a Building Permit.

VILLAGE CODE SECTION 100-32 TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

A. It shall be unlawful to construct or demolish any building or structure until the application and plans required by the ~~provisions of this article~~ Village Code shall have been approved by the ~~Board of Trustees, which approval shall be evidenced by the majority of the Board members initialing the application and plans~~ all appropriate Village boards and a permit issued by the Building Inspector, or such administrative official as the Board of Trustees may appoint, provided that the application and plans comply with all applicable laws, ordinances, codes, rules and regulations.

~~B. After full review by the appropriate boards and/or officials, the Board of Trustees shall approve or reject any fully completed application or plan, or amendment thereto, filed pursuant to the provisions of this article, within a reasonable time and, if approved, shall promptly authorize issuance of a written permit therefor by the Building Inspector.~~
[Amended 12-21-1990 by L.L. No. 1-1990]

~~C.~~ B. An approved copy of the plans and specifications must be kept at the premises under construction until a Certificate of Occupancy therefor is issued.

VILLAGE CODE SECTION 100-33 TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

Nothing in this Article shall be construed to prevent the ~~Board of Trustees~~ Building Inspector from authorizing issuing a permit for the construction of part of a building or structure when plans and detailed statements meeting the requirements of ~~this chapter~~ are the Village Code have been submitted and approved by the appropriate reviewing Board(s) having jurisdiction over such application, provided that the applicant posts a performance bond, letter of credit or cash security in an amount and form satisfactory to the Village and adequate to cover ~~the lesser of~~ the cost to complete the balance of the project or the cost to remove the partial construction and restore the site, depending on which amount is most apt under the circumstances.

VILLAGE CODE SECTION 100-34 TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

Every Building Permit, Certificate of Occupancy or Certificate of Completion issued by the Building Inspector under the provisions of this chapter shall have the signatures of a

~~majority of the members of the Board of Trustees~~ the Building Inspector, or his/her lawful designee, affixed thereto.

VILLAGE CODE SECTION 100-53(H) TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

Once approved by the Board of Architectural Review, ~~the application moves to the Board of Trustees, which Board~~ the Building Inspector is empowered to issue Building Permits, provided all other requirements of the Village Code and State Building and other codes, laws, rules and regulations have been satisfied. Unless requested, neither the applicant/agent nor his architect/engineer need attend the Board of Trustees' meeting.

VILLAGE CODE SECTION 100-36 TRACKED MODIFICATIONS TO EXISTING LAW
(deleted text noted by strikethrough; added text noted by underscore):

B. ~~Otherwise~~ Except as noted in Subsection A, permits shall be valid for a period of 18 months from their issuance, after which two six-month renewals may shall be granted by the Building Inspector, upon the filing of an application therefor, fee payment in full of all application and escrow fees/replenishments outstanding, and posting of all required and up-to-date bonding and/or other security and approval by the Board of Trustees. In no case shall a permit be valid for more than 30 continuous months. ~~Thereafter, if the project is still incomplete, a new application must be filed, or the Board of Trustees may issue an order to vacate and restore the property.~~ Any work for which a building permit has been issued which remains less than fully complete after the expiration of the aforementioned 30-month period shall be required to submit a new application to each reviewing Board having granted the prior approval upon which the initial Building Permit was based, and to pay all associated new application fees and escrow monies. Said Board(s) shall review the application to ensure that there have been no significant changes to the surrounding area that may impact the project, and to ensure compliance with the prior approval. After all such new approvals have been granted, a new building permit may be issued by the Building Inspector in accordance with this Chapter.

C. Any work for which a building permit has been issued which remains partially complete with no substantial progress over a continuous twelve-month period shall be considered an abandoned project, upon which event the building permit may be revoked, and which in any event shall be a violation of this Chapter.

Village of Tuxedo Park Board of Trustees

Resolution

ADOPTION OF AMENDMENT TO SCHEDULE OF SUBDIVISION AND ZONING FEES

WHEREAS, Section 100-43 of the Village Code authorizes the Board of Trustees to publish a Schedule of Fees for various reviews performed in connection with the Subdivision and Zoning provisions of the Village Code, and

WHEREAS, the Board of Trustees desires to modify the present schedule of fees to include a category for applicants that are seeking the issuance of a new building permit(s) in connection with approvals granted by the Planning Board, Board of Architectural Review, and/or Board of Zoning Appeals, and whose structures (and construction of a project) remain partially complete after the expiration of the 30-month time period for open building permits.

NOW, THEREFORE, BE IT RESOLVED that the Village of Tuxedo Park hereby adopts the following as an amendment to Item number "7" on the current Schedule of Subdivision and Zoning Fees, effective October 21, 2014:

7. FEES FOR APPLICATIONS FILED IN RESPONSE TO RECEIVING A NOTICE OF VIOLATION OR STOP WORK ORDER FOR PERFORMING WORK WITHOUT VALID APPROVALS AND/OR PERMITS AND FEES FOR APPLICATIONS FILED FOR NEW BUILDING PERMITS AFTER FAILING TO COMPLETE CONSTRUCTION WITHIN 30-MONTHS UNDER A PRIOR BUILDING PERMIT IN CONNECTION WITH THE SAME UNDERLYING BOARD APPROVAL

A. Applications for New Residence or Existing Building Being Converted to New Residence:

Initial Building Inspector Review: \$ 400.00

Issuance of Building Permit (Valid for 18 months) (cost per sq. ft. of finished area): \$ 3.00

B. Applications for Structural Additions, Demolition and Blasting:

Initial Building Inspector Review: \$ 400.00

Issuance of Building Permit (Valid for 18 months) (cost per sq. ft. of finished area): \$ 3.00

C. Applications for Other Permits (landscaping, fence, deck, pool, water, hook-up, etc.):

Initial Building Inspector Review: \$ 400.00

Issuance of Building Permit (Valid for 18 months) (calculation is % of Project Cost-Minimum of \$600 with cap @ \$6,000): 3.0%

D. Applications for New Building Permit After Failing to Complete Construction within 30 Months Under a Prior Building Permit for the Same Approval:

Initial Building Inspector Review: \$ 800.00

Issuance of Building Permit (Valid for 18 months) (cost per sq. ft. of finished area): \$ 4.00

November __, 2014