

STONY POINT TOWN BOARD MEETING – February 13, 2024

The Town Board of the Town of Stony Point convened in Regular Session on Tuesday, February 13, 2024, at 7:00pm at the Stony Point Senior and Community Center, 19 Clubhouse Lane, Stony Point, NY. Supervisor Monaghan called the meeting to order and stated that the meeting would be opened and closed in memory of Ruthann Melia. Ruthann worked for the Town of Stony Point as a Clerk Typist at the Police Station for over 40 years and was a volunteer of the Stony Point Ambulance. Supervisor Monaghan led the group in the Pledge of Allegiance.

Town Clerk Megan Carey called the following roll:

PRESENT:

Mr. Michael Puccio	Councilman
Mr. Keith Williams	Councilman
Mr. Paul Joachim	Councilman
Mr. Todd Rose	Councilman
Mr. James Monaghan	Supervisor
Mr. Alak Shah	Esquire

SUPERVISOR’S REPORT

Supervisor Monaghan reported as follows:

- Thanked the Highway and Parks Departments for the great job done cleaning up after the recent snow storm
- Thanked the Stony Point Seals, the Stony Point Ambulance, Wayne Hose Fire Company and the Thiells Fire Department dive team, for another successful Polar Plunge Fundraiser. This year marked the 25th anniversary.
- Thanked Congressman Mike Lawler for securing an additional \$1.2 million in grant money for upgrades to the waste water treatment plant.

Supervisor Monaghan asked that Spencer Chiimbwee, Commissioner of Human Rights, join him at the dais to be honored by the Town Board and presented him with a certificate of recognition.

As part of our Black History month celebration, it is my honor along with the Town Board to recognize Spencer Chiimbwee for his extensive work in Human Rights in civil organizations, government, and the international community.

Commissioner Chiimbwee migrated to the United States in 2006. He worked as a Senate Fellow in the NYS legislature and volunteered doing constituent services in the office of former Congresswoman Nita Lowey.

In 2022, County Executive Ed Day appointed Spencer the Commissioner of Human Rights and he was unanimously confirmed by the RC Legislature. Since that time, Commissioner Chiimbwee has done an outstanding job in civil rights leadership and outreach. He has opened human rights satellite offices to better serve the community.

Commissioner Chiimbwee honored Martin Luther King the 3rd as a guest speaker at the Civil and Human Rights Hall of Fame. Commissioner Chiimbwee held a Healing Forum, hosting conversations about promoting healing and conflict.

I had the opportunity to join Commissioner Chiimbwee here in Stony Point as he recognized outstanding women leaders from RC.

What makes recognizing Commissioner Chiimbwee extra special is that he has chosen to live and settle here in Stony Point with his wife, Esther. Commissioner Chiimbwee believes strongly that diversity is our strength.

Supervisor Monaghan read the following proclamation:

Town of Stony Point, NY
Proclamation
HONORING
BLACK HISTORY MONTH

WHEREAS, Dr. Carter Godwin Woodson initiated Black History Week on February 12, 1926; chosen to coincide with the birthdays of Frederick Douglas and Abraham Lincoln, and was celebrated by African Americans in the United States; and

WHEREAS, In 1976, as part of the nation's bicentennial, Black History Week was expanded and became established as Black History Month, and is now celebrated throughout the United States; and

WHEREAS, The observance of Black History Month is a call to all Stony Pointers and all Americans to reflect on the cultural, scientific, political, and economic contributions of African Americans, which are woven throughout American society. We remember, learn from, and build on these contributions, so that together, we can build a better and more prosperous future for all Americans.

NOW, THEREFORE, I, Jim Monaghan, by virtue of the authority vested in me as Supervisor of the Town of Stony Point, hereby proclaim the month of February 2024 as Black History Month in the Town of Stony Point.

IN RECOGNITION THEREOF, I affix my signature and the Seal of the Town of Stony Point to this proclamation this 13th day of February in the year of Our Lord, Two Thousand and Twenty-Four.

Nominate New Police Officer Candidate

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to accept Chief Finn's nomination of Steven D'Alisera. This nomination will allow Rockland County Personnel to continue the testing of the candidate.

POLICE DEPARTMENT REPORT/BUSINESS

Chief Finn read the following report:

Police Department Report for the Month of January 2024.

Number of calls for service:	892
Number of reported accidents:	20
Number of arrests:	42
(4) Felonies (15) Misdemeanors (1) Violations (2) Warrants	
Fuel Usage :	1365.1 gallons
Sum Total of all traffic enforcement action:	136
Number of Youth Officer sponsored events:	2
Number of commercial vehicle enforcement details:	0
Number of traffic/special enforcement details:	0
Number of training hours:	128 hrs
Total fees collected:	\$225.00

(Foil \$0.00, Prints \$170.00, and Reports \$55.00)

Youth events: January: 1/8 and 1/9-Met with both Senior Groups to discuss Crime Trends Against Seniors and provided pens for check writing.

Upcoming Youth Events: February: 2/16-PAL Family Bingo at Kirkbride, Preparing for NR Youth Police Academy to start in March.

Chief Finn's Time Record

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of all board members present to approve Chief Finn's time record for the month of January 2024 as presented.

Overtime and Sick Leave Reports

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to approve the overtime and sick leave reports as presented for the month of January 2024.

PURCHASE ORDER REQUEST

A motion was made by Councilman Puccio, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to approve the following purchase orders:

Sewer Dept:

PO# 3699	SteadyFlow Services, Inc	\$7,500.00
PO#3700	Reiner Pump Systems	\$26,441.00

Buildings & Grounds:

PO#3701	Total Advanced Communications, LLC	\$7,601.03
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AUDIT OF BILLS

Megan Carey, Town Clerk, presented the following bills to the Town Board for audit and a motion was made by Councilman Puccio, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to approve the bills as presented for payment:

GENERAL FUND -February 13, 2023

<u>FUND</u>	<u>CLAIM#</u>	<u>FUND TOTAL</u>
General	115-210	\$459,148.52
Cap Projects	14-16	\$7,997.95
Highway	44-85	\$37,335.37
Sewer	34-63	\$32,938.61
<u>Special District</u>		
Enterprise	21-45	\$62,591.93
Sewer Cap Projects	3	\$93,765.00
Solid Waste	3-5	\$5,565.36
Ambulance	4-6	\$42,428.37

MINUTES

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of those board members present to approve the minutes of January 23, 2024.

DEPARTMENTAL REPORTS

Megan Carey, Town Clerk offered the following reports for the record:

Architectural Review Board

From: 1/01/2024	To: 1/31/2024
Applications Received	4
Applications Approved	4
Applications Pending	0

Fees Collected \$400.00

Building & Zoning Department

January 2024

Applications Received	20
Applications Returned/Withdrawn	1
Applications Denied	0
Building & Blasting Permits Issued	13

Applications Pending	6
Certificate of Occupancy	11
Certificate of Compliance	6
Fees Collected	\$ 9,380.00

Planning Board

From: 1/01/2024	To: 1/31/2024
Applications Received	1
Applications Approved	1
Applications Pending	
Amended Subdivision	1
General Category	3
Informal Discussion	2
Lot Line Change	0
Site Plan	5
Subdivision Minor	0
Fees Collected	\$1,500.00

Submitted by the Planning Board Clerk

Zoning Board of Appeals

1/1/2024	to	1/31/2024
Applications Received		1
Applications Returned/Withdrawn		0
Applications Denied		0
Applications Pending		2
Applications Approved		0
Variance		1
Fees Collected		\$300.00

Town Clerk

January 2024

Amount Paid To NYS Agriculture & Markets	
For Spay/Neuter Program	\$ 36.00
Amount Paid To NYS Health Dept. For Marriage Licenses	\$ 45.00
Amount Paid To NYS Dept. Of Environmental Conservation	\$ 171.96
Amount Paid To Supervisor	\$ 14,549.33
TOTAL AMOUNT REMITTED	\$ 14,802.29

CORRESPONDENCE

None

PUBLIC INPUT

Jay Wood - Sgt.SPPD spoke about the 15th Anniversary Blood Drive being held on Monday, February 26, 2024, 3-8pm, at Kirkbride Hall, Community Room at 5 Patriot Hills Lane, Stony Point.

Kevin Nolan-128 East Main Street, Stony Point, NY spoke on behalf the Stony Point Seals and thanked the Town Board for their continued support.

Public Hearing-Amending Chapter 215 (Zoning) of the Town Code

At 7:17pm motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to open the public hearing to amend Chapter 215 (Zoning) of the Town Code.

Megan Carey, Town Clerk, presented the following Public Hearing Notice:

**TOWN OF STONY POINT
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Town Board of the Town of Stony Point, Rockland County, New York, on February 13, 2024 at 7:00 pm at the Stony Point Senior and Community Center, 19 Clubhouse Lane, Stony Point, NY to consider the adoption of a Local Law Amending Chapter 215, Zoning. The purpose of this amendment is to clarify and change the zoning provisions relating to residential mixed uses in the BU Zoning District.

Said Local Law will be made available for review in the Town Clerk's Office, 74 East Main St., Stony Point, NY and may be examined by any interested party from 8:30 am to 4:30 pm, Monday through Friday in advance of the meeting.

By Order of the Town Board dated January 9, 2024.

Supervisor Monaghan invited Max Stach, Town Planner, to give a brief explanation of the changes. Said explanation is on file in the Town Clerk's Office.

Public Input

George Potanovic-597 Old Gate Hill Rd- SPACE Pres. Spoke in favor of the amendments and read a letter from Jim Krause in favor of the amendments.

Joseph Haspel-Attorney for 111 South Liberty Drive, spoke against the amendments.

Continue Public Hearing-Amending Chapter 215 (Zoning) of the Town Code

At 7:40pm motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to continue the public hearing to amend Chapter 215 (Zoning) of the Town Code to the February 27, 2024 Town Board meeting to be held at 7pm at 19 Clubhouse Lane, Stony Point, NY.

Public Hearing- Amending Chapter 77

At 7:52pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to open the public hearing to amend Chapter 77.

Public Input

None

Close Public Hearing-Amending Chapter 77

At 7:53pm a motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to close the public hearing to amend Chapter 77.

Adopt Local Law-Amending Chapter 77

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim to adopt the following Local Law:

The following Resolution was duly
offered and seconded to wit:

**RESOLUTION ADOPTING LOCAL LAW NO. 2 OF 2024
AMENDING CHAPTER 77 (BUILDING CODE ADMINISTRATION AND
ENFORCEMENT) OF THE TOWN CODE OF THE
TOWN OF STONY POINT, NEW YORK**

WHEREAS, the Town Board of the Town of Stony Point, New York ("Town Board") from time to time reviews its laws, rules and regulations to be certain the same

are consistent with all current lawful practices as well as best practices to protect the health, safety and welfare of Town residents; and

WHEREAS, the Town Board desires to adopt a Local Law Amending Chapter 77 (Building Code Administration and Enforcement) of the Town Code of the Town of Stony Point, New York; and

WHEREAS, such introductory Local Law was introduced before the Town Board on January 23, 2024; and

WHEREAS, upon notice duly published and posted, a Public Hearing was held on said Local Law on January 23, 2024 and February 13, 2024 wherein public discussion was heard concerning the merits of said Local Law and after hearing from all those present wishing to speak and acknowledging that no written comments had been received, the Town Board declared the public hearing closed.

NOW, THEREFORE, BE IT RESOLVED by the Town Board as follows:

Section 1. All "WHEREAS" paragraphs are incorporated herein by reference as though set forth in full.

Section 2. The Town Board hereby adopts Local Law No. 2 entitled, "LOCAL LAW NO. 2 OF 2024 AMENDING CHAPTER 77 (BUILDING CODE ADMINISTRATION AND ENFORCEMENT) OF THE TOWN CODE OF THE TOWN OF STONY POINT, NEW YORK as attached hereto.

Section 3. The Town Clerk is hereby directed to enter said Local Law into the minutes of this meeting and in the Local Law book of the Town of Stony Point, and to give due notice of the adoption of said Local Law by filing the Local Law in the Office of the Secretary of State in the State of New York.

Section 4. This Resolution shall be effective immediately.

TOWN OF STONY POINT

LOCAL LAW NO. 2 OF 2024

**AMENDING CHAPTER 77 (BUILDING CODE ADMINISTRATION
AND ENFORCEMENT) OF THE TOWN CODE OF THE
TOWN OF STONY POINT, NEW YORK**

BE IT ENACTED AS FOLLOWS:

Section 1. Authority.

This Local Law is enacted pursuant to the provisions of the State of New York and the New York State Municipal Home Rule Law § 10.

Section 2. Title and Purpose.

This local law is entitled "A Local Law to Repeal and Replace Chapter 77 of the Town Code (Building Code Administration and Enforcement) to update such Chapter to reflect amendments in the applicable New York State Codes and to otherwise update the Chapter to enact provisions aimed at ensuring the health, safety and welfare of persons and property in the Town of Stony Point.

Section 3. Amendments.

Chapter 77 of the Town Code is hereby repealed and replaced with the following:

§ 77-1 Purpose.

This chapter provides for the administration and enforcement of the New York

State Uniform Fire Prevention and Building Code (the Uniform Code) and the State Energy Conservation Construction Code (the Energy Code) in this Town. This chapter is adopted pursuant to § 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, the Energy Code, or other state law, or other section of this chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions of this chapter.

§ 77-2 Definitions.

As used in this chapter, the following terms shall have the meanings shown in this section:

ASSEMBLY AREA

“Assembly Area” shall mean an area in any building, or in any portion of a building, that is primarily used or intended to be used for gathering fifty or more persons for uses including, but not limited to, amusement, athletic, entertainment, social, or other recreational functions; patriotic, political, civic, educational, or religious functions; food or drink consumption; awaiting transportation; or similar purposes.

BUILDING PERMIT

“Building Permit” shall mean a building permit, construction permit, demolition permit, or other permit that authorizes the performance of work. The term “Building Permit” shall also include a Building Permit which is renewed, amended, or extended pursuant to any provision of this chapter.

CERTIFICATE OF COMPLIANCE

“Certificate of Compliance” shall mean a document issued by the Town stating that work was done in compliance with approved construction documents and the Codes.

CERTIFICATE OF OCCUPANCY

“Certificate of Occupancy” shall mean a document issued by the Town certifying that the building or structure, or portion thereof, complies with the approved construction documents that have been submitted to, and approved by the Town, and indicating that the building or structure, or portion thereof, is in a condition suitable for occupancy.

CODE ENFORCEMENT OFFICER

“Code Enforcement Officer” shall mean the Code Enforcement Officer appointed pursuant to § 77-3B of this chapter.

CODE ENFORCEMENT PERSONNEL

“Code Enforcement Personnel” shall mean the Code Enforcement Officer and all Inspectors.

CODES

“Codes” shall mean the Uniform Code and Energy Code.

ENERGY CODE

“Energy Code” shall mean the New York State Energy Conservation Construction Code adopted pursuant to Article 11 of the Energy Law.

FCNYS

“FCNYS” shall mean the 2020 Fire Code of New York State as currently incorporated by reference in 19 NYCRR Part 1225. “Fire Safety and Property Maintenance Inspection” shall mean an inspection performed to determine compliance with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference.

HAZARDOUS PRODUCTION MATERIALS

“Hazardous Production Materials” shall mean a solid, liquid, or gas associated with semiconductor manufacturing that has a degree-of-hazard rating in health, flammability, or instability of Class 3 or 4, as ranked by NFPA 704 (Standard Systems for Identification of the Hazards of Materials for Emergency Response),

and which is used directly in research, laboratory, or production processes which have, as their end product, materials that are not hazardous.

INSPECTOR

“Inspector” shall mean an inspector appointed pursuant to § 77-3D of this chapter.

MOBILE FOOD PREPARATION VEHICLES

“Mobile Food Preparation Vehicles” shall mean vehicles that contain cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered mobile food preparation vehicles.

OPERATING PERMIT

“Operating Permit” shall mean a permit issued pursuant to § 77-10 of this chapter. The term "operating permit" shall also include an operating permit which is renewed, amended or extended pursuant to any provision of this chapter.

ORDER TO REMEDY

“Order to Remedy” shall mean an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 17 of this chapter.

PERMIT HOLDER

“Permit Holder” shall mean the person to whom a building permit, or operating permit has been issued.

PERSON

“Person” shall mean an individual, corporation, limited-liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

PMCNYS

“PMCNYS” shall mean the 2020 Property Maintenance Code of New York State as currently incorporated by reference in 19 NYCRR Part 1226.

RCNYS

“RCNYS” shall mean the 2020 Residential Code of New York State as currently incorporated by reference in 19 NYCRR Part 1220.

REPAIR

“Repair” shall mean the reconstruction, replacement, or renewal of any part of an existing building for the purpose of its maintenance or to correct damage.

STOP-WORK ORDER

“Stop Work Order” shall mean an order issued pursuant to § 77-6 of this chapter.

SUGARHOUSE

“Sugarhouse” shall mean a building used, in whole or in part, for the collection, storage, or processing of maple sap into maple syrup and/or maple sugar.

TEMPORARY CERTIFICATE OF OCCUPANCY

“Temporary Certificate of Occupancy” shall mean a certificate issued pursuant to § 77-7D of this chapter.

TOWN

“Town” shall mean the Town of Stony Point.

UNIFORM CODE

“Uniform Code” shall mean the New York State Uniform Fire Prevention and Building Code, Subchapter A of Chapter XXXIII of Title 19 of the NYCRR, adopted pursuant to Article 18 of the Executive Law.

§ 77-3 Code Enforcement Officer; inspectors.

A. The office of Code Enforcement Officer is hereby created. The Code Enforcement Officer shall administer and enforce all the provisions of the Uniform Code, the Energy Code and this chapter. The Code Enforcement Officer shall have the following powers and duties:

- (1) To receive, review, and approve or disapprove applications for building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and the plans, specifications and construction documents submitted with such applications;
- (2) Upon approval of such applications, to issue building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits, and to include in building permits, certificates of occupancy/certificates of compliance, temporary certificates and operating permits such terms and conditions as the Code Enforcement Officer may determine to be appropriate;
- (3) To conduct construction inspections, inspections to be made prior to the issuance of certificates of occupancy/certificates of compliance, temporary certificates and operating permits, firesafety and property maintenance inspections, inspections incidental to the investigation of complaints, and all other inspections required or permitted under any provision of this chapter;
- (4) To issue stop-work orders;
- (5) To review and investigate complaints;
- (6) To issue orders pursuant to § 77-17A, (Violations) of this chapter;
- (7) To maintain records;
- (8) To collect fees as set by the Town Board of Stony Point;
- (9) To pursue administrative enforcement actions and proceedings;
- (10) In consultation with this Town's attorney, to pursue such legal actions and proceedings as may be necessary to enforce the Uniform Code, the Energy Code and this chapter, or to abate or correct conditions not in compliance with the Uniform Code, the Energy Code or this chapter; and
- (11) To exercise all other powers and fulfill all other duties conferred upon the Code Enforcement Officer by this chapter.

B. The Code Enforcement Officer shall be appointed by Town Board. The Code Enforcement Officer shall possess background experience related to building construction or fire prevention and shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and the Code Enforcement Officer shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

C. In the event that the Code Enforcement Officer is unable to serve as such for any reason, another individual shall be appointed by the Town Board to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of their appointment, exercise all powers and fulfill all duties conferred upon the Code Enforcement Officer by this chapter.

D. One or more inspectors may be appointed by the Town Board to act under the supervision and direction of the Code Enforcement Officer and to assist the Code Enforcement Officer in the exercise of the powers and fulfillment of the duties conferred upon the Code Enforcement Officer by this chapter. Each inspector shall, within the time prescribed by law, obtain such basic training, in-service training, advanced in-service training and other training as the State of New York shall require for code enforcement personnel, and each inspector shall obtain certification from the Department of State pursuant to the Executive Law and the regulations promulgated thereunder.

E. The compensation for the Code Enforcement Officer and Inspectors shall be fixed from time to time by the Town Board.

§ 77-4 Building permits.

A. Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No

person shall commence any work for which a building permit is required without first having obtained a building permit from the Town of Stony Point.

B. Exemptions. No building permit shall be required for work in any of the following categories:

- (1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses) which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area does not exceed 120 square feet and the structure contains no electrical system;
- (2) Construction of temporary sets and scenery associated with motion picture, television, and theater uses;
- (3) Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (4) Installation of partitions or movable cases less than five feet nine inches (5' 9") in height;
- (5) Painting, wallpapering, tiling, carpeting, or other similar finish work;
- (6) Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;
- (7) Replacement of any equipment, provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;
- (8) Repairs, provided that the work does not have an impact on fire and life safety, such as
 - (a) any part of the structural system;
 - (b) the required means of egress; or
 - (c) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

C. Exemption not deemed authorization to perform noncompliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in Subsection B of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code or the Energy Code.

D. Applications for building permits. Applications for a building permit shall be made in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. The application shall be signed by the owner of the property where the work is to be performed or by an authorized agent of the owner. The application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that the intended work complies with all applicable requirements of the Uniform Code and the Energy Code. The application shall include or be accompanied by the following information and documentation:

- (1) A description of the location, nature, extent, and scope of the proposed work;
- (2) The Tax Map number and the street address of any affected building or structure;
- (3) The occupancy classification of any affected building or structure;
- (4) Where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and
- (5) At least 2 sets of construction documents (drawings and/or specifications) which
 - (a) describe the location, nature, extent, and scope of the proposed work;
 - (b) show that the proposed work will conform to the applicable provisions of the Codes;
 - (c) show the location, construction, size, and character of all portions of the means of egress;
 - (d) show a representation of the building thermal envelope;
 - (e) show structural information including but not limited to braced wall designs, the size, section, and relative locations of structural members, design loads, and other pertinent structural information;
 - (f) show the proposed structural, electrical, plumbing, mechanical, fire-protection, and other service systems of the building; (vii) include a written statement indicating compliance with the Energy Code;
 - (g) include a site plan, drawn to scale and drawn in accordance with an

accurate boundary survey, showing the size and location of new construction and existing structures and appurtenances on the site, distances from lot lines, the established street grades and the proposed finished grades, and, as applicable, flood hazard areas, floodways, and design flood elevations; and

(h) evidence that the documents were prepared by a licensed and registered architect in accordance with Article 147 of the New York State Education Law or a licensed and registered professional engineer in accordance with Article 145 of the New York State Education Law and practice guidelines, including but not limited to the design professional's seal which clearly and legibly shows both the design professional's name and license number and is signed by the design professional whose name appears on the seal in such a manner that neither the name nor the number is obscured in any way, the design professional's registration expiration date, the design professional's firm name (if not a sole practitioner), and, if the documents are submitted by a professional engineering firm and not a sole practitioner professional engineer, the firm's Certificate of Authorization number.

(6) Major changes or additions to buildings with septic systems may require Health Department approval prior to the issuance of a building permit. The determination as to whether such change is considered a major change shall rest with the Building Department.

(7) Following review of the application materials, if the Building Inspector determines that site plan approval or zoning variances are required, he shall refer the applicant to the respective Board for review. Upon notification of the necessary approval having been obtained, the Building Inspector shall then review the application as set forth in this chapter.

E. Construction documents. Construction documents will not be accepted as part of an application for a building permit unless they satisfy the requirements set forth in paragraph (5) of subdivision (D) of this section. Construction documents which are accepted as part of the application for a building permit shall be marked as approved by the Code Enforcement Officer in writing or by stamp. One set of the approved construction documents shall be retained by the Code Enforcement Officer, and one set of the accepted construction documents shall be returned to the applicant to be kept at the work site so as to be available for use by the code enforcement personnel. However, the return of a set of accepted construction documents to the applicant shall not be construed as authorization to commence work, nor as an indication that a Building Permit will be issued. Work shall not be commenced until and if a building permit is issued.

F. Issuance of building permits. An application for a building permit shall be examined to ascertain whether the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code. The Code Enforcement Officer shall issue a building permit if the proposed work is in compliance with the applicable requirements of the Uniform Code and Energy Code.

G. If the application is disapproved by the Building Inspector, it shall be in writing and filed in the office of the Building Inspector.

H. Building permits to be displayed. Building permits shall be visibly displayed at the work site and shall remain visible until the authorized work has been completed.

I. Work to be performed in accordance with construction documents. All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of the application for the building permit. The building permit shall contain such a directive. The permit holder shall immediately notify the Code Enforcement Officer of any change occurring during the course of the work. The building permit shall contain such a directive. If the Code Enforcement Officer determines that such change warrants a new or amended building permit, such change shall not be made until and unless a new or amended building permit reflecting such change is issued.

J. Time limits. Building Permits shall expire twenty four (24) months after the date of issuance. A Building Permit which has become invalid or which has expired pursuant to this subdivision may be renewed upon application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

K. Revocation or suspension of building permits. If the Code Enforcement

Officer determines that a building permit was issued in error because of incorrect, inaccurate or incomplete information, or that the work for which a building permit was issued violates the Uniform Code or the Energy Code, or if the permit holder or applicant has failed to meet the requirements of an approved site development plan or subdivision plat or the permit holder has failed to comply with a stop-work order issued, the Code Enforcement Officer shall revoke the building permit or suspend the building permit until such time as the permit holder demonstrates that (1) all work then completed is in compliance with all applicable provisions of the Uniform Code and the Energy Code and (2) all work then proposed to be performed shall be in compliance with all applicable provisions of the Uniform Code and the Energy Code.

L. Fee. The fee specified in or determined in accordance with the provisions set forth in § 77-18, Fees, of this chapter must be paid at the time of submission of an application for a building permit, for an amended building permit, or for renewal of a building permit or operational permit.

§ 77-5 Construction inspections.

A. Work to remain accessible and exposed. Work shall remain accessible and exposed until inspected and accepted by the Code Enforcement Officer or by an inspector authorized by the Code Enforcement Officer. The permit holder shall notify the Code Enforcement Officer when any element of work described in Subsection B of this section is ready for inspection.

B. Elements of work to be inspected. The following elements of the construction process shall be inspected, where applicable:

- (1) Work site prior to the issuance of a building permit;
- (2) Footing and foundation;
- (3) Preparation for concrete slab;
- (4) Framing;
- (5) Structural, electrical, plumbing, mechanical, fire-protection, and other similar service systems of the building;
- (6) Fire-resistant construction;
- (7) Fire-resistant penetrations;
- (8) Solid-fuel-burning heating appliances, chimneys, flues or gas vents;
- (9) Inspections required to demonstrate Energy Code compliance, including but not limited to insulation, fenestration, air leakage, system controls, mechanical equipment size, and, where required, minimum fan efficiencies, programmable thermostats, energy recovery, whole-house ventilation, plumbing heat traps, and high-performance lighting and controls;
- (10) Installation, connection, and assembly of factory manufactured buildings and manufactured homes; and
- (11) A final inspection after all work authorized by the building permit has been completed.

C. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform construction inspections, a remote inspection may be performed in lieu of an in-person inspection when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or by such authorized Inspector that the elements of the construction process conform with the applicable requirements of the Uniform Code and Energy Code. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

D. Foundation location. Foundation locations must be submitted to the Stony Point Building Department for approval for all new buildings prior to the commencement of framing and any future required inspections. Failure to comply with this section may result in the revocation of the building permit.

E. Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the Permit Holder shall be notified as to the manner in which the work fails to comply with the Uniform Code or Energy Code, including a citation to the specific code provision or provisions that have not been met. Work not in compliance with any applicable provision of the Uniform Code or Energy Code shall remain exposed until such work shall have been brought into

compliance with all applicable provisions of the Uniform Code and the Energy Code, reinspected, and found satisfactory as completed.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this local law must be paid prior to or at the time of each inspection performed pursuant to this section.

§ 77-6 Stop-work orders.

A. Authority to issue. The Code Enforcement Officer is authorized to issue stop-work orders pursuant to this section. The Code Enforcement Officer shall issue a stop-work order to halt:

(1) Any work that is determined by the Code Enforcement Officer to be contrary to any applicable provision of the Uniform Code or Energy Code, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(2) Any work that is being conducted in a dangerous or unsafe manner in the opinion of the Code Enforcement Officer, without regard to whether such work is or is not work for which a building permit is required, and without regard to whether a building permit has or has not been issued for such work; or

(3) Any work for which a building permit is required which is being performed without the required building permit, or under a building permit that has become invalid, has expired, or has been suspended or revoked.

B. Content of stop-work orders. Stop-work orders shall (1) be in writing, (2) be dated and signed by the Code Enforcement Officer, (3) state the reason or reasons for issuance, and, (4) if applicable, state the conditions which must be satisfied before work will be permitted to resume.

C. Service of stop-work orders. The Code Enforcement Officer shall cause the stop-work order, or a copy thereof, to be served on the owner of the affected property (and, if the owner is not the permit holder, on the permit holder) personally or by registered mail/certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the stop-work order, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other person taking part or assisting in work affected by the stop-work order, personally or by registered mail/certified mail; provided, however, that failure to serve any person mentioned in this sentence shall not affect the efficacy of the stop-work order.

D. Effect of stop-work order. Upon the issuance of a stop-work order, the owner of the affected property, the permit holder and any other person performing, taking part in or assisting in the work shall immediately cease all work which is the subject of the stop-work order, other than work expressly authorized by the Code Enforcement Officer to correct the reason for issuing the Stop Work Order.

E. Remedy not exclusive. The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 77-17, (Violations) of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order and may include a civil action in the Supreme Court of Rockland County

§ 77-7 Certificates of occupancy and certificates of compliance.

A. Certificates of occupancy/certificates of compliance required. A certificate of occupancy/certificate of compliance shall be required for any work which is the subject of a building permit and for all structures, buildings, or portions thereof which are converted from one use or occupancy classification or subclassification to another. Permission to use or occupy a building or structure, or portion thereof, for which a building permit was previously issued shall be granted only by issuance of a certificate of occupancy/certificate of compliance.

B. Issuance of certificates of occupancy/certificates of compliance. The Code Enforcement Officer shall issue a certificate of occupancy/certificate of compliance if the work which was the subject of the building permit was completed in accordance with all applicable provisions of the Uniform Code and Energy Code and, if applicable, the structure, building or portion thereof that was converted from

one use or occupancy classification or subclassification to another complies with all applicable provisions of the Uniform Code and Energy Code. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the building, structure or work prior to the issuance of a certificate of occupancy/certificate of compliance. In addition, where applicable, the following documents, prepared in accordance with the provisions of the Uniform Code by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant for the certificate of occupancy/certificate of compliance, shall be provided to the Code Enforcement Officer prior to the issuance of the certificate of occupancy/certificate of compliance:

- (1) A written statement of structural observations and/or a final report of special inspections;
- (2) Flood hazard certifications,
- (3) A written statement of the results of tests performed to show compliance with the Energy Code, and
- (4) Where applicable, the affixation of the appropriate seals, insignias, and manufacturer's data plates as required for factory manufactured buildings and/or manufactured homes.
- (5) For new buildings and major additions an As-built Map shall be required to be submitted that accurately plots the building locations in relation to the parcel boundaries. Such As-built Map must be prepared by a currently licensed NYS professional land surveyor and must bear the surveyor's stamp and signature. The As-built Map shall include parcel boundaries, building locations, building set-back dimensions, well and septic locations (when applicable), water and sewer connection locations (when applicable), driveway or parking area locations and any conservation easements or buffer areas. Content of the As-built Map must be approved by the Code Enforcement Officer prior to issuance of the certificate of occupancy or certificate of compliance.
- (6) In those instances where non-critical unfinished work can be guaranteed to be performed by posting of a letter of credit, cash deposit, surety or other form of performance security approved by the Town Attorney, the amount to be deposited shall be determined by conference of the Code Enforcement Officer and/or the Town Engineer. Such performance security shall be held by the Town (without interest) until the work that is the subject of the performance security is satisfactorily performed within the time prescribed. The performance security may be returned upon request by the permit holder after satisfactory completion and acceptance of the work prescribed within the time prescribed. Failure to satisfactorily complete the prescribed work within the prescribed time shall result in forfeiture of the performance security funds or a claim against the surety.

C. Contents of certificates of occupancy/certificates of compliance. A certificate of occupancy/certificate of compliance shall contain the following information:

- (1) The building permit number, if any;
- (2) The date of issuance of the building permit, if any;
- (3) The name, address and Tax Map number of the property;
- (4) If the certificate of occupancy/certificate of compliance is not applicable to an entire structure, a description of that portion of the structure for which the certificate of occupancy/certificate of compliance is issued;
- (5) The use and occupancy classification of the structure;
- (6) The type of construction of the structure;
- (7) The occupant load of the assembly areas in the structure, if any;
- (8) Any special conditions imposed in connection with the issuance of the building permit; and
- (9) The signature of the Code Enforcement Officer issuing the certificate of occupancy/certificate of compliance and the date of issuance.

D. Temporary Certificate of Occupancy. The Code Enforcement Officer shall be permitted to issue a Temporary Certificate of Occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a Building Permit. However, in no event shall the Code Enforcement Officer issue a Temporary Certificate of Occupancy unless the Code Enforcement Officer determines (1) that the building or structure, or the portion

thereof covered by the Temporary Certificate of Occupancy, may be occupied safely, (2) that any required fire and life safety components, such as fire protection equipment and fire, smoke, carbon monoxide, and heat detectors and alarms are installed and operational, and (3) that all required means of egress from the structure have been provided. The Code Enforcement Officer may include in a Temporary Certificate of Occupancy such terms and conditions as he or she deems necessary or appropriate to ensure the health and safety of the persons occupying and using the building or structure and/or performing further construction work in the building or structure. A Temporary Certificate of Occupancy shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Code Enforcement Officer and specified in the Temporary Certificate of Occupancy. During the specified period of effectiveness of the Temporary Certificate of Occupancy, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code and the Energy Code.

E. Revocation or suspension of certificates. If the Code Enforcement Officer determines that a certificate of occupancy/certificate of compliance or a temporary certificate was issued in error because of incorrect, inaccurate or incomplete information, and if the relevant deficiencies are not corrected to the satisfaction of the Code Enforcement Officer within such period of time as shall be specified by the Code Enforcement Officer, the Code Enforcement Officer shall revoke or suspend such certificate.

F. Fee. The fee specified in or determined in accordance with the provisions set forth in § 77-18, Fees, of this chapter must be paid at the time of submission of an application or for a Certificate of Occupancy, Certificate of Compliance, or for Temporary Certificate of Occupancy.

§ 77-8 Notification regarding fire or explosion.

The chief of any fire department providing fire-fighting services for a property within this Town shall promptly notify the Code Enforcement Officer of any fire or explosion involving any structural damage, fuel-burning appliance, chimney or gas vent.

§ 77-9 Unsafe buildings and structures.

Unsafe structures and equipment in this Town shall be identified and addressed in accordance with the procedures established by Chapter 78 Buildings, Unsafe (Local Law Number 3-1995), as now in effect or as hereafter amended from time to time.

§ 77-10 Operating permits.

A. Operation Permits required. Operating Permits shall be required for conducting any process or activity or for operating any type of building, structure, or facility listed below:

(1) manufacturing, storing, or handling hazardous materials in quantities exceeding those listed in the applicable Maximum Allowable Quantity tables found in Chapter 50 of the FCNYS;

(2) buildings, structures, facilities, processes, and/or activities that are within the scope and/or permit requirements of the chapter or section title of the FCNYS as follows:

(a) Chapter 22, "Combustible Dust-Producing Operations." Facilities where the operation produces combustible dust;

(b) Chapter 24, "Flammable Finishes." Operations utilizing flammable or combustible liquids, or the application of combustible powders regulated by Chapter 24 of the FCNYS;

(c) Chapter 25, "Fruit and Crop Ripening." Operating a fruit- or crop-ripening facility or conducting a fruit-ripening process using ethylene gas;

(d) Chapter 26, "Fumigation and Insecticidal Fogging." Conducting fumigation or insecticidal fogging operations in buildings, structures, and spaces, except for fumigation or insecticidal fogging performed by the occupant of a detached one-family dwelling;

(e) Chapter 31, "Tents, Temporary Special Event Structures, and Other Membrane Structures." Operating an air-supported temporary membrane structure, a temporary special event structure, or a tent where approval is required pursuant to Chapter 31 of the FCNYS;

(f) Chapter 32, "High-Piled Combustible Storage." High-piled combustible storage

facilities with more than 500 square feet (including aisles) of high-piled storage;

(g) Chapter 34, "Tire Rebuilding and Tire Storage." Operating a facility that stores in excess of 2,500 cubic feet of scrap tires or tire byproducts or operating a tire rebuilding plant;

(h) Chapter 35, "Welding and Other Hot Work." Performing public exhibitions and demonstrations where hot work is conducted, use of hot work, welding, or cutting equipment, inside or on a structure, except an operating permit is not required where work is conducted under the authorization of a building permit or where performed by the occupant of a detached one- or two-family dwelling;

(a) Chapter 40, "Sugarhouse Alternative Activity Provisions." Conducting an alternative activity at a sugarhouse;

(j) Chapter 56, "Explosives and Fireworks." Possessing, manufacturing, storing, handling, selling, or using, explosives, fireworks, or other pyrotechnic special effects materials except the outdoor use of sparkling devices as defined by Penal Law section 270;

(k) Section 307, "Open Burning, Recreational Fires and Portable Outdoor Fireplaces." Conducting open burning, not including recreational fires and portable outdoor fireplaces;

(l) Section 308, "Open Flames." Removing paint with a torch, or using open flames, fire, and burning in connection with assembly areas or educational occupancies; and

(m) Section 319, "Mobile Food Preparation Vehicles." Operating a mobile food preparation vehicle in accordance with the permitting requirements established by Chapter 159 (Peddling and Residential Solicitation, as now in effect or as hereafter amended from time to time.

§ 77-11 Fire safety and property maintenance inspections.

A. Inspections required. Firesafety and property maintenance inspections of buildings and structures shall be performed by the Code Enforcement Officer or an inspector designated by the Code Enforcement Officer at the following intervals:

- (1) at least once every twelve (12) months for buildings which contain an assembly area.
- (2) at least once every twelve (12) months for public and private schools and colleges, including any buildings of such schools or colleges containing classrooms, dormitories, fraternities, sororities, laboratories, physical education, dining, or recreational facilities.
- (3) at least once every thirty-six (36) months for multiple dwellings and all nonresidential occupancies.

B. Remote inspections. At the discretion of the Code Enforcement Officer or Inspector authorized to perform fire safety and property maintenance inspections, a remote inspection may be performed in lieu of in-person inspections when, in the opinion of the Code Enforcement Officer or such authorized Inspector, the remote inspection can be performed to the same level and quality as an in-person inspection and the remote inspection shows to the satisfaction of the Code Enforcement Officer or such authorized Inspector that the premises conform with the applicable provisions of 19 NYCRR Part 1225 and the publications incorporated therein by reference and the applicable provisions of 19 NYCRR Part 1226 and the publications incorporated therein by reference. Should a remote inspection not afford the Code Enforcement Officer or such authorized Inspector sufficient information to make a determination, an in-person inspection shall be performed.

C. Inspections permitted. In addition to the inspections required by subdivision (A) of this section, a fire safety and property maintenance inspection of any building, structure, use, or occupancy, or of any dwelling unit, may also be performed by the Code Enforcement Officer or an Inspector authorized to perform fire safety and property maintenance inspections at any time upon:

- (1) the request of the owner of the property to be inspected or an authorized agent of such owner;
- (2) receipt by the Code Enforcement Officer of a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or
- (3) receipt by the Code Enforcement Officer of any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to

reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist; provided, however, that nothing in this subdivision shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

D. OFPC Inspections. Nothing in this section or in any other provision of this local law shall supersede, limit, or impair the powers, duties and responsibilities of the New York State Office of Fire Prevention and Control (“OFPC”) and the New York State Fire Administrator or other authorized entity under Executive Law section 156-e and Education Law section 807-b.

Notwithstanding any other provision of this section to the contrary, the Code Enforcement Officer may accept an inspection performed by the Office of Fire Prevention and Control or other authorized entity pursuant to sections 807-a and 807-b of the Education Law and/or section 156-e of the Executive Law, in lieu of a fire safety and property maintenance inspection performed by the Code Enforcement Officer or by an Inspector, provided that:

(1) the Code Enforcement Officer is satisfied that the individual performing such inspection satisfies the requirements set forth in 19 NYCRR section 1203.2(e);

(2) the Code Enforcement Officer is satisfied that such inspection covers all elements required to be covered by a fire safety and property maintenance inspection;

(3) such inspections are performed no less frequently than once a year;

(4) a true and complete copy of the report of each such inspection is provided to the Code Enforcement Officer; and

(5) upon receipt of each such report, the Code Enforcement Officer takes the appropriate action prescribed by section 17 (Violations) of this chapter.

E. Fee. The fee specified in or determined in accordance with the provisions set forth in section 18 (Fees) of this chapter must be paid prior to or at the time each inspection performed pursuant to this section. This subdivision shall not apply to inspections performed by OFPC.

§ 77-12 Complaints.

The Code Enforcement Officer shall review and investigate complaints which allege or assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, this chapter, or any other local law, ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code. The process for responding to a complaint shall include such of the following steps as the Code Enforcement Officer may deem to be appropriate:

A. Performing an inspection of the conditions and/or activities alleged to be in violation, and documenting the results of such inspection;

B. If a violation is found to exist, providing the owner of the affected property and any other person who may be responsible for the violation with notice of the violation and opportunity to abate, correct or cure the violation, or otherwise proceeding in the manner described in § 77-17, (Violations) of this chapter;

C. If appropriate, issuing a stop-work order;

D. If a violation which was found to exist is abated or corrected, performing an inspection to ensure that the violation has been abated or corrected, preparing a final written report reflecting such abatement or correction, and filing such report with the complaint.

77-13. Condition Assessments of Parking Garages.

(A) Definitions. For the purposes of this section:

(1) the term “condition assessment” means an on-site inspection and evaluation of a parking garage for evidence of deterioration of any structural element or building component of such parking garage, evidence of the existence of any unsafe condition in such parking garage, and evidence indicating that such parking garage is an unsafe structure;

(2) the term “deterioration” means the weakening, disintegration, corrosion, rust, or decay of any structural element or building component, or any other loss of effectiveness of a structural element or building component;

(3) the term “parking garage” means any building or structure, or part thereof, in which all or any part of any structural level or levels is used for parking or storage

of motor vehicles, excluding:

(a) buildings in which the only level used for parking or storage of motor vehicles is on grade;

(b) an attached or accessory structure providing parking exclusively for a detached one- or two-family dwelling; and

(c) a townhouse unit with attached parking exclusively for such unit;

(4) the term “professional engineer” means an individual who is licensed or otherwise authorized under Article 145 of the Education Law to practice the profession of engineering in the State of New York and who has at least three years of experience performing structural evaluations;

(5) the term “responsible professional engineer” means the professional engineer who performs a condition assessment, or under whose supervision a condition assessment is performed, and who seals and signs the condition assessment report. The use of the term “responsible professional engineer” shall not be construed as limiting the professional responsibility or liability of any professional engineer, or of any other licensed professional, who participates in the preparation of a condition assessment without being the responsible professional engineer for such condition assessment.

(6) the term “unsafe condition” includes the conditions identified as “unsafe” in section 304.1.1, section 305.1.1, and section 306.1.1 of the PMCNYS; and

(7) the term “unsafe structure” means a structure that is so damaged, decayed, dilapidated, or structurally unsafe, or is of such faulty construction or unstable foundation, that partial or complete collapse is possible.

(B) Condition Assessments – general requirements. The owner operator of each parking garage shall cause such parking garage to undergo an initial condition assessment as described in subdivision (C) of this section, periodic condition assessments as described in subdivision (D) of this section, and such additional condition assessments as may be required under subdivision (E) of this section. Each condition assessment shall be conducted by or under the direct supervision of a professional engineer. A written report of each condition assessment shall be prepared, and provided to the Town, in accordance with the requirements of subdivision (F) of this section. Before performing a condition assessment (other than the initial condition assessment) of a parking garage, the responsible professional engineer for such condition assessment shall review all available previous condition assessment reports for such parking garage.

(C) Initial Condition Assessment. Each parking garage shall undergo an initial condition assessment as follows:

(1) Parking garages constructed on or after August 29, 2018, shall undergo an initial condition assessment following construction and prior to a certificate of occupancy or certificate of compliance being issued for the structure.

(2) Parking garages constructed prior to August 29, 2018, shall undergo an initial condition assessment as follows:

(a) if originally constructed prior to January 1, 1984, then prior to October 1, 2019;

(b) if originally constructed between January 1, 1984 and December 31, 2002, then prior to October 1, 2020; and

(c) if originally constructed between January 1, 2003 and August 28, 2018, then prior to October 1, 2021.

(3) Any parking garage constructed prior to the effective date of the local law enacting this provision that has not undergone an initial condition assessment prior to that effective date shall undergo an initial condition assessment not more than six (6) months after the effective date of this local law.

(D) Periodic Condition Assessments. Following the initial condition assessment of a parking garage, such parking garage shall undergo periodic condition assessments at intervals not to exceed three (3) years.

(E) Additional Condition Assessments.

(1) If the latest condition assessment report for a parking garage includes a recommendation by the responsible professional engineer that an additional condition assessment of such parking garage, or any portion of such parking garage, be performed before the date by which the next periodic condition assessment would be required under subdivision (C) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable,

the portion of such parking garage identified by the responsible professional engineer) to undergo an additional condition assessment no later than the date recommended in such condition assessment report.

(2) If the Town becomes aware of any new or increased deterioration which, in the judgment of the Town, indicates that an additional condition assessment of the entire parking garage, or of the portion of the parking garage affected by such new or increased deterioration, should be performed before the date by which the next periodic condition assessment would be required under subdivision (C) of this section, the owner or operator of such parking garage shall cause such parking garage (or, if applicable, the portion of the parking garage affected by such new or increased deterioration) to undergo an additional condition assessment no later than the date determined by the Town to be appropriate.

(F) Condition Assessment Reports. The responsible professional engineer shall prepare, or directly supervise the preparation of, a written report of each condition assessment, and shall submit such condition assessment report to the Town within sixty (60) days. Such condition assessment report shall be sealed and signed by the responsible professional engineer, and shall include:

(1) an evaluation and description of the extent of deterioration and conditions that cause deterioration that could result in an unsafe condition or unsafe structure;

(2) an evaluation and description of the extent of deterioration and conditions that cause deterioration that, in the opinion of the responsible professional engineer, should be remedied immediately to prevent an unsafe condition or unsafe structure;

(3) an evaluation and description of the unsafe conditions;

(4) an evaluation and description of the problems associated with the deterioration, conditions that cause deterioration, and unsafe conditions;

(5) an evaluation and description of the corrective options available, including the recommended timeframe for remedying the deterioration, conditions that cause deterioration, and unsafe conditions;

(6) an evaluation and description of the risks associated with not addressing the deterioration, conditions that cause deterioration, and unsafe conditions;

(7) the responsible professional engineer's recommendation regarding preventative maintenance;

(8) except in the case of the report of the initial condition assessment, the responsible professional engineer's attestation that he or she reviewed all previously prepared condition assessment reports available for such parking garage, and considered the information in the previously prepared reports while performing the current condition assessment and while preparing the current report; and

(9) the responsible professional engineer's recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed. In making the recommendation regarding the time within which the next condition assessment of the parking garage or portion thereof should be performed, the responsible professional engineer shall consider the parking garage's age, maintenance history, structural condition, construction materials, frequency and intensity of use, location, exposure to the elements, and any other factors deemed relevant by the responsible professional engineer in their professional judgment.

(G) Review Condition Assessment Reports. The Town shall take such enforcement action or actions in response to the information in such condition assessment report as may be necessary or appropriate to protect the public from the hazards that may result from the conditions described in such report. In particular, but not by way of limitation, the Town shall, by Order to Remedy or such other means of enforcement as the Town may deem appropriate, require the owner or operator of the parking garage to repair or otherwise remedy all deterioration, all conditions that cause deterioration, and all unsafe conditions identified in such condition assessment report pursuant to paragraphs (2) and (3) of subdivision (F). All repairs and remedies shall comply with the applicable provisions of the Uniform Code. This section shall not limit or impair the right of the Town to take any other enforcement action, including but not limited to suspension or revocation of a parking garage's operating permit, as may be necessary or appropriate in response to the information in a condition assessment report.

(H) The Town shall retain all condition assessment reports for the life of the parking garage. Upon request by a professional engineer who has been engaged to perform a condition assessment of a parking garage, and who provides the Town with a written statement attesting to the fact that he or she has been so engaged, the Town shall make the previously prepared condition assessment reports for such parking garage (or copies of such reports) available to such professional engineer. The Town shall be permitted to require the owner or operator of the subject parking garage to pay all costs and expenses associated with making such previously prepared condition assessment reports (or copies thereof) available to the professional engineer.

(I) This section shall not limit or impair the right or the obligation of the Town:

(1) to perform such construction inspections as are required by section 5 (Construction Inspections) of this chapter;

(2) to perform such periodic fire safety and property maintenance inspections as are required by section 11 (Fire Safety and Property Maintenance Inspections) of this chapter; and/or

(3) to take such enforcement action or actions as may be necessary or appropriate to respond to any condition that comes to the attention of the Town by means of its own inspections or observations, by means of a complaint, or by any other means other than a condition assessment or a report of a condition assessment.

§ 77-14 Climatic and Geographical Design Criteria.

A. The Code Enforcement Officer shall determine the climatic and geographic design criteria for buildings and structures constructed within this Town as required by the Uniform Code. Such determinations shall be made in the manner specified in the Uniform Code using, where applicable, the maps, charts, and other information provided in the Uniform Code. The criteria to be so determined shall include but shall not necessarily be limited to, the following:

(1) design criteria to include ground snow load; wind design loads; seismic category; potential damage from weathering, frost, and termite; winter design temperature; whether ice barrier underlayment is required; the air freezing index; and the mean annual temperature;

(2) heating and cooling equipment design criteria for structures within the scope of the RCNYS. The design criteria shall include the data identified in the Design Criteria Table found in Chapter 3 of the RCNYS; and

(3) flood hazard areas, flood hazard maps, and supporting data. The flood hazard map shall include, at a minimum, special flood hazard areas as identified by the Federal Emergency Management Agency in the Flood Insurance Study for the community, as amended or revised with:

(a) the accompanying Flood Insurance Rate Map (FIRM);

(b) Flood Boundary and Floodway Map (FBFM); and

(c) related supporting data along with any revisions thereto.

B. The Code Enforcement Officer shall prepare a written record of the climatic and geographic design criteria determined pursuant to subdivision (A) of this section, shall maintain such record within the office of the Code Enforcement Officer, and shall make such record readily available to the public.

§ 77-15 Recordkeeping.

A. The Code Enforcement Officer shall keep permanent official records of all transactions and activities conducted by all code enforcement personnel, including records of:

(1) All applications received, reviewed and approved or denied;

(2) All plans, specifications and construction documents approved;

(3) All building permits, certificates of occupancy/certificates of compliance, temporary certificates, stop-work orders, and operating permits issued;

(4) All inspections and tests performed;

(5) All statements and reports issued;

(6) All complaints received;

(7) All investigations conducted;

(8) All condition assessment reports received;

(9) All fees charged and collected; and

(10) All other features and activities specified in or contemplated by sections 4 through 14, inclusive, of this chapter.

B. All such records shall be public records open for public inspection during normal business hours. All plans and records pertaining to buildings or structures, or appurtenances thereto, shall be retained for at least the minimum time period so required by state law and regulation.

§ 77-16 Program review and reporting.

A. The Code Enforcement Officer shall annually submit to the Town Board of this Town a written report and summary of all business conducted by the Code Enforcement Officer and the inspectors, including a report and summary of all transactions and activities described in § 77-15, Recordkeeping, of this chapter and a report and summary of all appeals or litigation pending or concluded.

B. The Code Enforcement Officer shall annually submit to the Secretary of State, on behalf of this Town, on a form prescribed by the Secretary of State, a report of the activities of this Town relative to administration and enforcement of the Uniform Code.

C. The Code Enforcement Officer shall, upon request of the New York State Department of State, provide to the New York State Department of State, true and complete copies of the records and related materials this Town is required to maintain; true and complete copies of such portion of such records and related materials as may be requested by the Department of State; and/or such excerpts, summaries, tabulations, statistics, and other information and accounts of its activities in connection with administration and enforcement of the Uniform Code and/or Energy Code as may be requested by the Department of State.

§ 77-17 Violations.

(A) Orders to Remedy.

(1) The Code Enforcement Officer is authorized to order in writing the remedying of any condition or activity found to exist in, on or about any building, structure, or premises in violation of the Uniform Code, the Energy Code, or this chapter.

(2) An Order to Remedy shall be in writing; shall be dated and signed by the Code Enforcement Officer; shall specify the condition or activity that violates the Uniform Code, the Energy Code, or this chapter; shall specify the provision or provisions of the Uniform Code, the Energy Code, or this chapter which is/are violated by the specified condition or activity; and shall include a statement substantially similar to the following: "The person or entity served with this Order to Remedy must completely remedy each violation described in this Order to Remedy by [specify date], which is thirty (30) days after the date of this Order to Remedy."

(3) The Order to Remedy may include provisions ordering the person or entity served with such Order to Remedy

(a) to begin to remedy the violations described in the Order to Remedy immediately, or within some other specified period of time which may be less than thirty (30) days;

(b) to continue diligently to remedy such violations until each such violation is fully remedied;

(c) and, in any event, to complete the remedying of all such violations within thirty (30) days of the date of such Order to Remedy; and/or

(d) to take such other protective actions (such as vacating the building or barricading the area where the violations exist) which are authorized by this chapter or by any other applicable statute, regulation, rule, local law or ordinance, and which the Code Enforcement Officer may deem appropriate, during the period while such violations are being remedied.

(4) The Code Enforcement Officer shall cause the Order to Remedy, or a copy thereof, to be served on the owner of the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy. The Code Enforcement Officer shall be permitted, but not required, to cause the Order to Remedy, or a copy thereof, to be served on any builder, architect, tenant, contractor, subcontractor, construction superintendent, or their agents, or any other Person taking part or assisting in work being performed at the affected property personally or by registered mail or certified mail within five (5) days after the date of the Order to Remedy; provided, however, that failure to serve any Person mentioned in this sentence shall not affect the efficacy of the

Compliance Order.

B. Appearance tickets. The Code Enforcement Officer and each inspector are authorized to issue appearance tickets for any violation of the Uniform Code.

C. Penalties. In addition to such other penalties as may be prescribed by State law,

(1) any Person who violates any provision of this chapter or any term, condition, or provision of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be punishable by a fine of not more than \$200 per day of violation, or imprisonment not exceeding 15 days, or both; and

(2) any Person who violates any provision of the Uniform Code, the Energy Code or chapter, or any term or condition of any Building Permit, Certificate of Occupancy, Certificate of Compliance, Temporary Certificate, Stop Work Order, Operating Permit or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this local law, shall be liable to pay a civil penalty of not more than \$200 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the name of this Town.

D. Injunctive relief. An action or proceeding may be instituted in the name of this Town, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of the Uniform Code, the Energy Code, this chapter, or any term or condition of any building permit, certificate of occupancy/certificate of compliance, temporary certificate, stop-work order, operating permit, compliance order, or other notice or order issued by the Code Enforcement Officer pursuant to any provision of this chapter. In particular, but not by way of limitation, where the construction or use of a building or structure is in violation of any provision of the Uniform Code, the Energy Code, this chapter, or any stop-work order, compliance order or other order obtained under the Uniform Code, the Energy Code or this chapter, an action or proceeding may be commenced in the name of this Town, in the Supreme Court or in any other court having the requisite jurisdiction, to obtain an order directing the removal of the building or structure or an abatement of the condition in violation of such provisions. No action or proceeding described in this subsection shall be commenced without the appropriate authorization from the Supervisor of this Town.

E. Remedies not exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or penalty available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section, in § 77-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section, in § 77-6, Stop-work orders, of this chapter, in any other section of this chapter, or in any other applicable law. In particular, but not by way of limitation, each remedy and penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the penalties specified in Subdivision (2) of § 382 of the Executive Law, and any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any penalty specified in Subdivision (2) of § 382 of the Executive Law.

§ 77-18 Fees.

A fee schedule shall be established by resolution of the Town Board of this Town. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the submission of applications, the issuance of building permits, amended building permits, renewed building permits, certificates of occupancy/certificates of compliance, temporary certificates, operating permits, firesafety and property maintenance inspections, and other actions of the Code Enforcement Officer described in or contemplated by this chapter.

§ 77-19 Intermunicipal agreements.

The Town Board of this Town may, by resolution, authorize the Building Inspector of this Town to enter into an agreement, in the name of this Town, with other governments to carry out the terms of this chapter, provided that such agreement does not violate any provision of the Uniform Code, the Energy Code, Part 1203 of Title 19 of the NYCRR, or any other applicable law.

§ 77-20 Partial Invalidity.

If any section of this chapter shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair, or invalidate the remainder of this chapter.

Section 4. Repeal, Amendment, and Supersession of Other Laws

All other Resolutions, Ordinances or Local Laws of the Town of Stony Point, which conflict with the provisions of this Local Law are hereby superseded or repealed to the extent necessary to give this Local Law full force and effect.

Section 5. State Environmental Quality Review Act

Pursuant to 6 NYCRR 617.5 (26) and (33), this Local Law is classified as a Type II action which requires no further review under the State Environmental Quality Review Act.

Section 6. Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Local Law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Local Law.

Section 7. Code Preparation.

The Town's Code preparation contractor is authorized, without further action of the Town Board, to correct typographical errors, numbering and other related technical changes that do not affect or alter the substantive provisions of this local law.

Section 8. Effective Date.

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

Declare Weapon as Surplus

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present, to authorize the request to surplus weapon Glock Model 19.9MM semi-automatic handgun, serial# CATA897. The above weapon is to be presented to Sergeant John Wood who will retire on February 28, 2024.

Set fees for Patriot Hills Golf Club

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to set the fees for the range ball prices:

2023 prices

Small Bucket-\$7

Medium Bucket-\$11

Large Bucket-\$14

New 2024 Price

Small Bucket-\$8

Medium Bucket-\$12

Large Bucket-\$15

Approve Request from Gran Fondo New York

A motion was made by Supervisor Monaghan, seconded by Councilman Rose and unanimously carried by a voice vote of all board members present to approve the request from Gran Fondo New York for their bike event to be held on May 19, 2024, under the same terms and conditions as 2023.

Approve Building Permit Refund

A motion was made by Supervisor Monaghan, seconded by Councilman Williams and unanimously carried by a voice vote of those board members present to approve a building permit refund of \$270.00 to Fast Forward Permit. The amount of \$50.00 was retained for processing as recommended by John Hager, Building Inspector.

Approve Use of Riverfront Park – United Women of Rockland

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to authorize the use of Riverfront Park to the United Women of Rockland for their annual event of “The Race” for Saturday, May 11, 2024.

Approve Seasonal Rehires for 2024 Golf Course Maintenance

A motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to approve the rehires for the Patriot Hill Golf Course as follows:

	Name	2023 Hourly Wage	2024 Hourly Wage
	<u>Laborers</u>		<u>4% raise</u>
1	Andre Vasquez	\$16.00/hr	\$16.64/hr
2	Faustino Espinal	\$17.25/hr	\$17.94/hr
3	Jose Liz	\$16.00/hr	\$16.64/hr
4	Kevin Armstrong Sr.	\$16.00/hr	\$16.64/hr
5	Manny Ortiz	\$15.00/hr	\$15.60/hr
6	Richard Hernandez	\$16.00/hr	\$16.64/hr
7	Alex Saladini	\$15.25/hr	\$15.86/hr
8	Pedro Delosangeles	\$23.75/hr	\$24.70/hr
9	Scott Lindsay	\$16.00/hr	\$16.64/hr

Add-On

Appoint ARB Members

A motion was made by Supervisor Monaghan, seconded by Councilman Puccio and unanimously carried by a voice vote of those board members present to appoint Theresa Cataldo and Aidan Rowan to the ARB effective immediately. Theresa Cataldo’s term will expire April of 2027 and Aidan Rowan’s term will expire April of 2025.

EXECUTIVE SESSION

At 7:56pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to adjourn into executive session to discuss a personnel matter with the police department and financial obligations with an organization that does business with the town.

ADJOURN

At 10:15pm a motion was made by Supervisor Monaghan, seconded by Councilman Joachim and unanimously carried by a voice vote of those board members present to close the February 13, 2024 Town Board Meeting in memory of Ruthann Melia. No further votes were taken.

Respectfully submitted.
Megan Carey, Town Clerk