

**RESOLUTION**

**CONSIDERING A PROPOSED LOCAL LAW TO REDUCE THE LENGTH OF TIME PRIOR TO THE EXPIRATION OF A BUILDIGN PERMIT, AND TO REQUIRE PERMITS FOR REPLACEMENT WINDOWS**

**VILLAGE OF RYE BROOK BOARD OF TRUSTEES**

**WHEREAS**, local law was introduced before the Board of Trustees of the Village of Rye Brook to amend Chapter 91 of the Village Code, entitled “Building Construction and Fire Prevention,” to reduce the length of time prior to the expiration of a building permit, modify the process for extending a building permit, and to require permits for replacement windows; and

**WHEREAS**, on June 28, 2016, the Board of Trustees classified the proposed local law as a Type II Action pursuant to the New York State Environmental Quality Review Act (SEQRA), and therefore, no further environmental review is required; and

**WHEREAS**, on July 12, 2016, the Board of Trustees held a duly noticed public hearing at Village Hall to consider the proposed local law, at which time all persons interested were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Trustees hereby approves the above-mentioned local law to reduce the length of time prior to the expiration of a building permit, modify the process for extending a building permit, and to require permits for replacement windows.

**LOCAL LAW AMENDING  
CHAPTER 91 OF THE VILLAGE CODE**

A LOCAL LAW to amend Chapter 91 of the Code of the Village of Rye Brook regarding Building Construction and Fire Prevention.

**BE IT ENACTED**, by the Board of Trustees of the Village of Rye Brook, as follows:

**Section 1.** Chapter 91, Section 2 of the Code of the Village of Rye Brook is hereby amended as follows:

§91-2. Building permit required; exceptions.

A. No person shall erect, enlarge or structurally alter any building, building system, or other structure, or nonstructural alterations where permits are required due to the Uniform Fire Prevention and Building Code or as otherwise provided in the Code of the Village of Rye Brook, in the Village of Rye Brook without obtaining a building permit. Building systems shall be defined as including, but not limited to, fuel-fired appliances and heating systems, emergency and standby power systems, electrical systems and equipment, plumbing systems and equipment, mechanical refrigeration systems, elevator recall, stationary lead-acid battery systems and commercial kitchen hoods. A building permit will be issued only to the owner(s) of record of the affected real property. The building permit application must be signed by the owner(s) of record. The following are exempt from the building permit process:

(1) One-story detached shed. A shed shall be defined as a one story detached accessory structure which is used for tools and/or storage and includes playhouses. Only one shed is allowed per lot, and such shed may not be placed in the front yard, regardless of size. The setback rules for accessory structures as set forth in § **250-6** shall apply regardless of size. A property owner will be required to prove that the shed satisfies the setback requirements if an objection is made to or by the Village. A building permit shall not be required to erect or install a shed, provided it meets the following requirements:

- (a) The total square footage does not exceed 120 square feet;
- (b) The height does not exceed eight feet as measured from the average grade around the shed to the highest point;
- (c) The shed is not placed upon a poured concrete or asphalt foundation;
- (d) The shed does not have any plumbing or sanitary facilities.

(2) Windows. ~~A building permit or a~~ Approval from the Architectural Review Board shall not be required for the replacement of windows in kind, i.e., change from/to

double-hung, casement, picture, combination, bay, bow, awnings, slider or garden window where the window opening is not modified or otherwise changed.

B. A building permit shall expire six months after its date of issuance if construction has not commenced. If construction has commenced within the six-month period set forth in this subsection, the building permit shall expire ~~18~~12 months after its date of issuance if all of the proposed work has not been completed or a temporary certificate of occupancy or certificate of occupancy has not been issued. Construction shall be deemed to have commenced when significant construction work on the project, as described in the building permit, has been performed. The Building Inspector shall have the authority to determine whether construction has commenced, and his or her decision shall be final.

C. ~~The Building Inspector shall have the authority to extend~~issue a building permit that extends the period during which all of the proposed work pursuant to a validly issued building permit must be completed, or the period during which a temporary certificate of occupancy or certificate of occupancy may be issued, for up to two, six-month periods upon good cause shown, as determined by the Building Inspector,~~one additional year from the date of its issuance if the Building Inspector determines that the facts and circumstances that exist on the date of issuance of the building permit indicate that it is unlikely that construction will be completed within 18 months of the date of issuance, so long as construction is~~was commenced within six months of ~~it's~~the date of issuance of the validly issued building permit.

D. As to any building permits issued prior to the effective date of this section, the date of issuance for such building permit(s) shall be deemed to be the effective date of this section. In accordance with such, all building permits issued prior to the effective date of this section, for which construction has not commenced, shall expire six months after the effective date of this section. If construction has commenced within six months, then said building permits shall expire ~~18~~12 months from the date this section became effective.

**Section 2. Severability.** If any clause, sentence, paragraph, section, article or part of this Local Law shall be adjudicated in any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, article or part thereof directly involved in the controversy in which such judgment shall have been rendered, and such invalidity shall not be deemed to affect the remaining portions thereof.

**Section 3.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.



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**VILLAGE OF RYE BROOK**

**MAYOR**

Paul S. Rosenberg

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**ADMINISTRATOR**

Christopher J. Bradbury

**TRUSTEES**

Susan R. Epstein

David M. Heiser

Jason A. Klein

Jeffrey B. Rednick

**PUBLIC NOTICE**

**NOTICE IS HEREBY GIVEN**, that the Board of Trustees of the Village of Rye Brook shall hold a public hearing on Tuesday, July 12, 2016 at 7:30pm, at Village Hall, 938 King Street, Rye Brook, New York to consider a proposed local law to reduce the length of time required prior to the expiration of a building permit; to allow for a modified process for an extension of building permits; and to require permits for replacement windows as a result of changes to the newly adopted 2016 Energy Code of NY State (ECNYS).

**Christopher J. Bradbury**  
**Village of Rye Brook, New York**

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