

VILLAGE OF CORNWALL-ON-HUDSON BOARD OF TRUSTEES

August 20, 2007

The regular meeting of the Board of Trustees was called to order at 7:40 P.M. with the Pledge of Allegiance, at 325 Hudson St., Cornwall-on-Hudson, N.Y.

The following Board Members were in attendance:

Mayor Joseph J. Gross
Trustee Peter J. Miller
Trustee William T. Fogarty

Absent was: Trustee Charles R. Hahn
Trustee Mark J. Edsall

Also present were: DPW Superintendent Robert Gilmore, Water Superintendent Robert June, Police Chief Charles Williams, SKEC #2 Fire Chief Jeffrey Armitage, Deputy Village Attorney Howard Protter, and Village Clerk Jeanne Mahoney.

Trustee Fogarty moved for the acceptance of the July 2, 2007 Special Meeting and July 16, 2007 Regular Meeting Minutes as presented, on a motion seconded by Trustee Miller, the minutes were approved 3 ayes and 0 nays.

TREASURER'S REPORT

Mayor Gross stated that a treasurer's report for the months of June and July has been prepared and distributed to the Village Board for review.

The open utility balances report for the end of July read as follows:

Village water, sewer, garbage & penalties	\$82,835.95
Town water & penalties	412,730.75

Which included 10 finals/adjustments for the Village and 6 for the Town.

The following claims were approved for payment:

General Fund claims in the amount of	\$ 327,389.33
Water Fund claims in the amount of	142,196.12
Sewer Fund claims in the amount of	3,625.60
Trust & Agency claims in the amount of	902.99

DEPARTMENT REPORTS

The Code Enforcement Officer reported 15 certificates of occupancy and compliance, 4 unregistered vehicles and 11 property maintenance violations were issued.

The Building Inspector reported 47 on site inspections, 4 fire inspections, 5 municipal searches, and 9 building permits were issued.

The Department of Public Works reported blacktopping of potholes, mowing, tree removal, installation of topsoil along Hudson Street, and cleanup of gutter lines on Dock Hill Road.

DPW Superintendent Gilmore reported that he applied for and has received funding confirmation from FEMA for repairs on Boulevard/Mountain Road and Deer Hill Road caused by “storm 1692”. In addition, he has received approval from FEMA and is awaiting final approval from SEMO for replacement of the stone culvert at the intersection of Mountain Road and Boulevard, and to construct a 1000’ long “mafia block” concrete wall along Donahue Memorial Park.

The Water Department reported an average daily production of 1.305 million gallons with all bacteria samples passing N.Y.S. Standards. The required monthly and quarterly samples were collected. It was also reported that 82 utility locations were made, 19 meters were repaired or replaced, and 16 special readings were taken. In addition to routine building and grounds maintenance, a water leak was repaired at 318 Hudson Street, the department assisted a contractor with water leaks at 100 Weeks Ave. and 21 Andrews St., and fire hydrants were painted.

Water Superintendent June reported that a door was repaired and fencing removed around the Upper Chlorinator building.

The Fire Department reported 45 events, including 13 emergency medical service (EMS) calls, for a total of 2633 volunteer man hours.

Fire Chief Armitage thanked David Halvorsen, the DPW staff, the Water Department, the Police Department, and the Mayor and Village Board of Trustees for their assistance with the 2007 Annual Fireman’s Fair. In addition, he would like to thank Trustee Hahn for attending a “final live burn” and graduation ceremony for the firefighters.

Mayor Gross is in receipt of a letter dated July 17, 2007 from Fire Chief Armitage to Town of Cornwall Police Chief Todd Hazard regarding upgrades to our radio system. He requests that NYCOMCO perform some work at the Cornwall Communications Center to complete this process.

The Police Department reported 11 COVAC assists; 17 calls were covered for/assisted to Town Police; 19 responses to burglar alarms; 2 E-911 hangups; 1 domestic incident; 37 crimes were committed; 3 vehicle lockouts; 5 accidents were investigated; 73 moving violations; and 52 parking tickets were issued. Total patrol miles = 6,354 not including mileage on Chief's vehicle.

Chief Williams reported that Sergeant Christopher Park continues investigation on eight (8) open cases.

Chief Williams further reported that Bandstand concerts and special events at Donahue Memorial Park were covered with no incidents.

After over 30 years of service to the Village, P.O. Charles Obremski has submitted a letter of resignation to Chief Williams effective July 31, 2007. Trustee Fogarty made a motion to accept Police Officer Obremski's resignation letter with regret which was seconded by Trustee Miller and carried by a vote of 3 Ayes and 0 Nays.

Chief Williams provided a copy of a letter he received from Lt. James Nenni of the Town of Newburgh Police Department thanking him for his support of the SFST and DWI Detection School. In addition, Lt. Nenni extends his personal thanks to Police Officer Michael Lug who was part of the team of instructors for this training. His "knowledge and experience...., make him an asset to the training community and a fine representative of the Village of Cornwall-on-Hudson Police Department".

CORRESPONDENCE

Mayor Gross is in receipt of a copy of a letter dated July 27th sent to Chief Williams from Cpt. Lori M. Wagner, of the NYS Police Central Records Bureau in response to a request for records pertaining to the Cornwall-on-Hudson Fire Department and Christian Benson's arrest of January 17, 2007. The request is denied because, if disclosed, "could constitute an unwarranted invasion of the personal privacy of those concerned".

Mayor Gross is in receipt of a memo dated August 20th from Carroll Cocks, President of SKEC #2 requesting permission to have beer at the firehouse following the annual Orange County Fireman's parade on September 22nd and on September 28, 29 and 30th following the annual Bruce Armitage Benefit Softball Tournament.

Mayor Gross is in receipt of a copy of a letter dated August 14th sent to DPW Superintendent Gilmore from James Evangelisti of Verizon denying his request to relocate a fiber hub on River Avenue and Spruce Street.

Mayor Gross is in receipt of a copy of a letter sent by Deputy Village Attorney to Verizon, Central Hudson and Time Warner Cable regarding unsightly utility poles. As a result of recent

construction activity, some locations now create a hazard to the public. He requests they give this matter immediate attention and provide a timetable to remedy the situation.

Mayor Gross is in receipt of a letter dated August 6th from Daniel DeGroat requesting permission to set up a vending cart at Donahue Memorial Park.

Mayor Gross is in receipt of a letter from Maria Randazzo requesting permission to plan a Fall memorial service at Donahue Memorial Park for her late mother, Susan Randazzo, at which time a concrete bench would be placed and a tree planted.

Mayor Gross is in receipt of a copy of a letter sent by Village Clerk Mahoney to Anthony's Pier 9 regarding the use of Donahue Memorial Park and the Riverfront Shelter for pictures. She requests that Pier 9 representatives inform their customers that they must contact her office at least one month in advance to schedule the date and time for use of the park facilities.

Mayor Gross is in receipt of a letter from Anthony Missere regarding the ongoing parking issue in the Village Business District. He is concerned that the Village Board voted to form a committee to study the parking issue, but did not vote to create additional parking and make needed upper municipal parking lot improvements.

Mayor Gross is in receipt of a copy of a letter sent by Alyse Terhune, Esq. of Jacobowitz & Gubits, LLP to David Church, Commissioner of the Orange County Planning Department along with the draft Comprehensive Plan for review. A written response to the Village Board of Trustees was requested.

Upon receipt of additional information on last month's request from Furman Baldwin for a reduction in garbage charges, Trustee Miller made a motion to reduce garbage charges to Mr. Baldwin's vacant property at 4 Briggs Road effective August 15th in accordance with existing Village policy. The motion was seconded by Trustee Fogarty and carried by a vote of 3 Ayes and 0 Nays.

PUBLIC COMMENT

Tony Missere, owner of 3 River Avenue asked if building permit applications are required when work is done to utility poles. DPW Superintendent Gilmore stated that no permits are currently needed.

Ray Yannone, owner of the building on corner of Idlewild Avenue and River Avenue, provided the Village Board pictures of many vehicles parked in the municipal lot and in the business district on a weeknight to illustrate the existing parking problem. He restated that the municipal lot needs to be striped, but that will not solve the problem since it will not add any additional parking area. The spaces striped on the roadway after the last meeting may be at risk because

they may not comply with current safety regulations on crosswalks and fire hydrants. He looked at the minutes where the variance was granted to Mr. Missere and the Riverbank restaurant. The parking variance was granted using a calculation that included the spaces removed for the patio, and since sidewalk dining was not part of that initial application, additional parking should have been a requirement in order to receive that approval. He requests a conclusion from the Village Board as to the direction this matter is going and if the proposed lower lot is now “off the table”.

Deputy Village Attorney Protter stated that at the last meeting Mr. Yannone was advised that nothing is “off the table”, but until the Board has the report of it’s committee and consultants, it will not commit to do something.

Joseph Suto of Washington Street stated that Mr. Yannone’s building was once used as an auction house. On Saturday evenings, over a hundred people would come. There was never a problem with parking.

Andrew Maroney of Barr Avenue stated that in the Zoning Board minutes, Mr. Missere had a professional survey done of the surrounding area finding between 35 and 49 parking spaces available during the evening dining hours.

Susan Gagliardo of River Avenue stated that the proposed improvements to the municipal lot included additional parking spaces and on the street. Mr. Yannone’s comments do not take into account the concerns brought by River Avenue residents. There is a need for a formal plan before moving forward. She would like to see the vacant lot behind Nicky’s developed for patron parking.

Mr. Yannone stated that he has repeatedly been calling attention of the Village Board to an “abandoned” car parked in a 4 hour limit zone. It is still in the municipal lot and asks when it will be moved. Chief Williams replied that the vehicle is owned by a Village resident. He has contacted the owner and it will be moved this week.

OLD BUSINESS

BLACK ROCK FILTER PLANT STATUS/MODIFICATION

Water Superintendent June reported the Black Rock Treatment Plant is running daily, flushing to waste. All water samples collected have passed. He met with the Orange County Health Department and provided them with the test results and a set of “as built” plans. The samples and plans met with Health Department approval. We are awaiting a letter of substantial completion from Hazen & Sawyer, the Village Engineer. That letter will be sent onto the Health Department for final approval. The system will then start up.

JOINT SEWER PLANT DISCUSSION

In Trustee Hahn's absence, Clerk Mahoney reported that he met with Andy Masten of the Town's Sewer Department to review meter data. After the next major rain fall, the sewer camera will be used to collect additional data.

COMPREHENSIVE/MASTER PLAN REVIEW COMMITTEE

Mayor Gross stated that the Master Plan draft has been distributed to the Village Board and sent to the Orange County Planning Department for review.

LOCAL DEVELOPMENT CORPORATION (LDC)

Deputy Village Attorney Protter provided a historical overview of the Local Development Corp. from its inception to its future status (a copy of the memorandum will be attached to the minute book).

Discussion regarding a future sale of the Village Water Department building on Maple Avenue with the assistance of the LDC followed.

Barbara Defina asked what the final cost of the DPW facility was and is that figure part of the Village's current debt. Deputy Village Attorney Protter replied approximately \$910,000.00 was spent out of a \$940,000.00 issued bond sale.

Andrew Maroney asked who maintains the records of the LDC. Deputy Village Attorney Protter replied that they are all part of the Village's records maintained by the Village Clerk. The LDC members spent countless volunteer hours to keep costs down. If the project had been done by the Village, costs would have been approximately 35-40% higher. Although the overall project was not "bid", every component of it was.

Susan Ostrander asked if modifications have been made to the roof to prevent another ice slide similar to the event this past February. DPW Superintendent Gilmore replied that a contractor has been contacted to install "ice breakers" shortly.

Barbara Farabaugh asked if the dumping of waste material at Pagenstecher Park and other places around the Village was the LDC's decision. Deputy Village Attorney Protter replied that the LDC had nothing to do with that.

Barry Gruber asked if the Village Board will dissolve the LDC. Deputy Village Attorney Protter replied that he can not answer that question until the Board discusses the matter in more detail.

Margaret Menge editor of the Cornwall Local asked several questions regarding the LDC, including its membership and year established. In addition, she asked if minutes of the LDC meetings were kept. Deputy Village Attorney Protter replied no because, in his opinion, this LDC is not subject to that requirement since the Village does not control the LDC. Ms. Menge

then asked if it was a conflict of interest that the Deputy Village Attorney also represents the LDC as well as some individual LDC members. He replied no, as long as they do not compete or conflict with the Village.

Deke Hazijiran stated that as President and member of the LDC, he has served on behalf of this community for years. Countless volunteer hours have been put into projects that the Village has asked them to look into. It has not been an easy task, and they have been “pillared” for their work. This is no way to encourage volunteerism.

Mayor Gross thanked Deputy Village Attorney Protter for addressing this issue tonight and LDC members for volunteering their time all these years in an attempt to make the Village a better place.

WATERFRONT REVITALIZATION COMMITTEE

Chairperson John Wenz stated that he has provided the Board copies of an application submitted under the Hudson River Estuary Program seeking \$25,000.00 for “Preliminary Usage and Hudson River Access Plan for Donahue Memorial Park”. In addition he has met with representatives of Vassar College who are willing to donate 160’ of 12’ wide floating docks to the Village. He presented photos of the docks for the Village Board to examine. He requests some direction from the Village Board regarding how it wishes to proceed with the local pier head project for which a \$60,000 grant was received from Senator Larkin.

DONAHUE MEMORIAL PARK – GROUP USE DISCUSSION

After some discussion, Trustee Miller made a motion to table this matter so that it may be further studied which was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

INTRODUCTORY LOCAL LAW – HAND BILL AND UNSOLICITED PRINTED MATERIALS

Mayor Gross stated that the Deputy Village Attorney has sent a letter to the Attorney General for an opinion on the authority of companies who distribute telephone books.

REVIEW OF GARBAGE PICKUP CONSOLIDATION/RESTRUCTURING

Mayor Gross stated that he is in receipt of a memo from DPW Superintendent Gilmore that states after additional study, the current collection schedule is the most efficient.

FINES & PENALTIES

Mayor Gross stated that there is nothing new to report on this item.

VILLAGE SQUARE IMPROVEMENTS PROJECT

Mayor Gross stated that a joint planning grant application with the Town of Cornwall has been submitted to the Orange County Planning Department.

NEW BUSINESS

REOPENING SECTION 384-d FOR POLICE OFFICER ARTHUR TERWILLIGER

Trustee Miller introduced the following resolution and moved for its adoption.

BE IT RESOLVED that the Board of Trustees of the Village-of-Cornwall on Hudson does hereby assume the additional cost required to provide the reopening of Section 384-d of the Retirement and Social Security Law, pursuant to Chapter 350 of the Laws of 2007.

BE IT FURTHER RESOLVED that the Mayor of the Village of Cornwall-on-Hudson be authorized to sign the Certification of Member Eligibility under Chapter 350 of the Laws of 2007.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

INTRODUCTION PROPOSED LL#3 2007-AMENDMENT TO SUBDIVISION OF LAND LAW

Trustee Miller introduced the following resolution and moved for its adoption.

BE IT ENACTED by the Village Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York as follows:

SECTION 1. Chapter 139, titled “Subdivision of Land,” of the Code of the Village of Cornwall-on-Hudson is amended as follows:

I. Section 139-8, titled “Approval procedure,” of the Code of the Village of Cornwall-on-Hudson is amended by adding a new paragraph two (2) to read as follows, and by re-lettering the other paragraphs accordingly:

(2) Upon submission of a sketch plan to the Village Clerk, applicant shall cause to be posted a notice of the pendency of an application before the Planning Board on the property subject to the application. Such posting shall be near the public right-of-way so as to be visible and legible from the street or sidewalk.

II. Section 139-8(B), titled “Minor subdivision, final plat approval,” of the Code of the Village of Cornwall-on-Hudson is amended by adding a new paragraph eight (8) to read as follows, and by re-lettering the other paragraphs accordingly:

(8) At least five (5) days before such hearing, the applicant shall cause to be posted a notice of the pendency of an application before the Planning Board on the property subject to the application. Such posting shall include the date, time and place of the hearing, and any adjourned date thereof, and shall be near the public right-of-way so as to be visible and legible from the street or sidewalk.

III. Subsection 139-8(C), titled “Major subdivision, preliminary plat approval,” of the Code of the Village of Cornwall-on-Hudson is amended by adding a new paragraph eight (8) to read as follows, and by re-lettering the other paragraphs accordingly:

(8) At least five (5) days before such hearing, the applicant shall cause to be posted a notice of the pendency of an application before the Planning Board on the property subject to the application. Such posting shall include the date, time and place of the hearing, and any adjourned date thereof, and shall be near the public right-of-way so as to be visible and legible from the street or sidewalk.

IV. Subsection 138-8(D), titled “Major subdivision, final plat approval,” of the Code of the Village of Cornwall-on-Hudson is amended by adding a new paragraph seven (7) to read as follows, and by re-lettering the other paragraphs accordingly:

(7) At least five (5) days before such hearing, the applicant shall cause to be posted a notice of the pendency of an application before the Planning Board on the property subject to the application. Such posting shall include the date, time and place of the hearing, and any adjourned date thereof, and shall be near the public right-of-way so as to be visible and legible from the street or sidewalk.

SECTION 3. To the extent this Local Law is adjudged to conflict or be inconsistent with any provision of the New York State Village Law, or any special law, this Local Law is intended to, and shall, supercede any such statutory provision.

SECTION 4. This Local Law will take effect immediately upon filing with the Secretary of State.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

Trustee Miller introduced the following resolution and moved for its adoption.

BE IT RESOLVED that an introductory Local Law entitled “Amendment to Subdivision of Land Law Public Posting Requirements” be and it hereby is introduced before the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Village Hall, 325 Hudson Street, in the Village of Cornwall-on-Hudson, New York at 7:30 o'clock PM on September 19, 2007, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Cornwall-on-Hudson of said public hearing at least five (5) days prior thereto.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

INTRODUCTION PROPOSED LL#4 2007-POSTING OF NOTICE OF ZONING APPLICATIONS

Trustee Miller introduced the following resolution and moved for its adoption.

BE IT ENACTED by the Village Board of Trustees of the Village of Cornwall-on-Hudson, Orange County, New York as follows:

SECTION 1. Chapter 172, titled “Zoning,” of the Code of the Village of Cornwall-on-Hudson is amended as follows:

I. Section 172-28, titled “Submission of plan and fees,” is hereby deleted in its entirety and amended as follows:

Within six (6) months following said meeting, the applicant shall submit for site plan review by the Planning Board the site plan, any supporting materials and a fee, in accordance with the fee schedule established by resolution of the Board of Trustees, except that if more than six (6) months have elapsed, the Planning Board will require the applicant to attend another pre-submission meeting. At least eight

(8) days prior to the submission of the site plan to the Planning Board, the applicant shall cause to be posted a notice of the pendency of an application before the Planning Board on the property subject to the application. Such posting shall include the date, time and place of the hearing, and any adjourned date thereof, and shall be near the public right-of-way so as to be visible and legible from the street or sidewalk.

II. Section 172-31, titled "Approval procedure," is hereby deleted in its entirety and amended as follows:

The Planning Board shall not act to approve or disapprove any site plan without first holding a public hearing within sixty (60) days from the time that the Chairman of the Planning Board certifies that all necessary materials have been submitted. Such public hearing shall be subject to the following notice provision:

- A. Public notice shall be by publication in the official newspaper of the village at least fifteen (15) days before the date of such hearing. In additions, the applicant shall cause to be posted a notice of the pendency of an application before the Planning Board on the property subject to the application. Such posting shall include the date, time and place of the hearing, and any adjourned date thereof, and shall be near the public right-of-way so as to be visible and legible from the street or sidewalk.
- B. In addition to such public notice, the applicant shall be required to mail notices at least fifteen (15) days before the date of said hearing to the owners of all properties abutting that held by the applicant and all other owners within three hundred (300) feet, or such additional distance as the Planning Board may deem advisable, from the exterior boundaries of the land involved in such application in the names of said owners appearing on the last completed assessment roll of the village. Such notice shall be by certified mail, and the applicant shall furnish proof of compliance with the notification procedure. The published notice required by this section shall be issued by the Secretary of the Planning Board on order of the Planning Board or upon order of the Chairman of said Board, so as to expedite the public hearing on the application. The applicant shall pay the actual and necessary costs of advertising and holding a public hearing.

III. Section 172-60, titled "Procedures," is amended by adding a new paragraph three (3) to subsection A to read as follows, and re-lettering the other subsections accordingly:

- (3) At least eight (8) days prior to the scheduled date of the public hearing, the applicant shall cause to be posted a notice of the

pendency of an application before the Board of Appeals on the property subject to the application. Such posting shall include the date, time and place of the hearing, and any adjourned date thereof, and shall be near the public right-of-way so as to be visible and legible from the street or sidewalk.

SECTION 2. To the extent this Local Law is adjudged to conflict or be inconsistent with any provision of the New York State Village Law, or any special law, this Local Law is intended to, and shall, supercede any such statutory provision.

SECTION 3. This Local Law will take effect immediately upon filing with the Secretary of State.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

Trustee Miller introduced the following resolution and moved for its adoption.

BE IT RESOLVED that an introductory Local Law entitled “Posting of Notices of Zoning Applications” be and it hereby is introduced before the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Village Hall, 325 Hudson Street, in the Village of Cornwall-on-Hudson, New York at 7:30 o'clock PM on September 19, 2007, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Cornwall-on-Hudson of said public hearing at least five (5) days prior thereto.

The foregoing resolution was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

INTRODUCTION PROPOSED LL#5 2007 ADMINISTRATION & ENFORCEMENT OF THE NYS UNIFORM FIRE PREVENTION & BUILDING CODE LOCAL LAW

Trustee Fogarty introduced the following resolution and moved for its adoption.

BE IT ENACTED by the Board of Trustees of the Village of Cornwall-on-Hudson, County of Orange, State of New York, as follows:

Section 1. Chapter 80, titled “Fire Prevention” of the Code of the Village of Cornwall-on-Hudson is hereby repealed in its entirety.

Section 2. Chapter 58, titled “Building Construction” of the Code of the Village of Cornwall-on-Hudson is hereby repealed in its entirety and a new Chapter 58 is adopted to read as follows:

Chapter 58

Building Construction and Fire Prevention

§58-1. Purpose and Intent.

This local law 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 Village. This Chapter is adopted pursuant to section 10 of the Municipal Home Rule Law. Except as otherwise provided in the Uniform Code, other state law, or other section of this Chapter, all buildings, structures, and premises, regardless of use or occupancy, are subject to the provisions this Chapter.

§58-2. Definitions.

Building Permit - a permit issued pursuant to section 4 of this Chapter. 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 Occupancy / Certificate of Compliance - a certificate issued pursuant to subdivision (b) of section 7 of this Chapter.

Code Enforcement Officer- the Code Enforcement Officer/ Building Inspector appointed pursuant to subdivision (b) of section 3 of this Chapter.

Code Enforcement Officer Personnel- shall include the Code Enforcement Officer and all Inspectors.

Compliance Order -an order issued by the Code Enforcement Officer pursuant to subdivision (a) of section 15 of this Chapter.

Energy Code- the State Energy Conservation Construction Code, as currently in effect and as hereafter amended from time to time.

Inspector- an inspector appointed pursuant to subdivision (d) of section 4 of this Chapter.

Operating Permit- a permit issued pursuant to section 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.

Permit Holder- the Person to whom a Building Permit has been issued.

Person- shall include 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.

Stop Work Order- an order issued pursuant to section 6 of this Chapter.

Temporary Certificate- a certificate issued pursuant to subdivision (d) of section 7 of this Chapter.

Uniform Code- the New York State Uniform Fire Prevention and Building Code, as currently in effect and as hereafter amended from time to time.

§58-3. Code Enforcement Officer and 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, Certificate of Compliance, Temporary Certificates and Operating Permits, fire safety 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 subdivision (a) of section 15 (Violations) of this Chapter;
- (7) to maintain records;
- (8) to collect fees as set by the Village Board of Trustees of the Village of Cornwall-on-Hudson;
- (9) to pursue administrative enforcement actions and proceedings;
- (10) in consultation with the Village 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 the Village Board of Trustees. 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 State Fire Administrator 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, an individual shall be appointed by the Village Board of Trustees to serve as Acting Code Enforcement Officer. The Acting Code Enforcement Officer shall, during the term of his or her 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 Village Board of Trustees 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 State Fire Administrator 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 Village Board of Trustees.

§58-4. Building Permits.

(a) **Building Permits Required.** Except as otherwise provided in subdivision (b) of this section, a Building Permit shall be required for any work which must conform to the Uniform Code, the Energy Code and this Chapter, 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 or where a building permit is required, no site preparation work, excavation or filling shall commence prior to issuance of a building permit or other required approvals. No Person shall commence any work for which a Building Permit is required without first having obtained a Building Permit from the Code Enforcement Officer.

(b) **Exemptions.** No Building Permit shall be required for work in any of the following categories:

- (1) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (2) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than twenty-four (24) inches and are installed entirely above ground;
- (3) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;
- (4) construction of temporary motion picture, television and theater stage sets and scenery;
- (5) installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);
- (6) installation of partitions or movable cases less than 5'-9" in height;
- (7) painting, wallpapering, tiling, carpeting, or other similar finish work;
- (8) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(9) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications; or

(10) repairs, provided that such repairs do not involve (i) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

(c) Exemption not deemed authorization to perform non-compliant work. The exemption from the requirement to obtain a building permit for work in any category set forth in subdivision (b) of this section shall not be deemed an authorization for work to be performed in violation of the Uniform Code, the Energy Code or this Chapter.

(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 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, the Energy Code or this Chapter. The application shall include or be accompanied by the following information and documentation:

- (1) a description of the proposed work;
- (2) the tax map number and the street address of the premises where the work is to be performed;
- (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 three (3) sets of construction documents (drawings and/or specifications) which (i) define the scope of the proposed work; (ii) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law; (iii) indicate with sufficient clarity and detail the nature and extent of the work proposed; (iv) substantiate that the proposed work will comply with the Uniform Code, the Energy Code and this Chapter; and (v) where applicable, include a site plan that shows any existing and proposed

buildings and structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the buildings and structures and the lot lines.

(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 accepted by the Code Enforcement Officer in writing or by stamp. One set of the accepted construction documents shall be retained by the Code Enforcement Officer, one set shall be retained for the plan review 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 unless 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, the Energy Code and this Chapter. The Code Enforcement Officer shall issue a Building Permit if the proposed work is in compliance with the applicable requirements of the Uniform Code, the Energy Code and this Chapter.

(g) 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.

(h) Work to be 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 Building Inspector of any change occurring during the course of the work. The Building Permit shall contain such a directive. If the Building Inspector 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.

(i) Time limits. Building Permits shall become invalid unless the authorized work is commenced within six (6) months following the date of issuance. Building Permits shall expire twelve (12) 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 written application by the Permit Holder, payment of the applicable fee, and approval of the application by the Code Enforcement Officer.

(j) 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, the Energy Code or this Chapter, 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, the Energy Code and this Chapter, 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.

(k) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (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.

§58-5. 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 subdivision (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) building systems, including underground and rough-in;
- (6) fire resistant construction;
- (7) fire resistant penetrations;
- (8) solid fuel burning heating appliances, chimneys, flues or gas vents;
- (9) Energy Code compliance; and
- (10) a final inspection after all work authorized by the Building Permit has been completed.

(c) Inspection results. After inspection, the work or a portion thereof shall be noted as satisfactory as completed, or the reasons the work fails to comply with the Uniform Code, the Energy Code or this Chapter. The Permit Holder must contact the office of the Code Enforcement Officer to receive the inspection results. Work not in compliance with any applicable provision of the Uniform Code, the Energy Code or this Chapter, shall remain exposed until such work shall have been brought into compliance with all applicable provisions of the Uniform Code, the Energy Code or this Chapter, reinspected, and found satisfactory as completed.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth

in section 16 (Fees) of this Chapter must be paid prior to or at the time of each inspection performed pursuant to this section.

§58-6. 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, the Energy Code or this Chapter, 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 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 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.

(e) Remedy not exclusive. The issuance of a Stop Work Order shall not be the exclusive remedy available to address any event described in subdivision (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 section 15 (Violations) of this Chapter or under any other applicable Chapter 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.

§58-7. Certificates of Occupancy / Certificate of Compliance.

(a) Certificates of Occupancy / Certificate 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/ Certificate 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, the Energy Code and Chapters, if applicable, and/or that 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, the Energy Code and Chapters. 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, and
- (2) flood hazard certifications.

(c) Contents of Certificates of Occupancy/ Certificate 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 is issued;

(5) the use and occupancy classification of the structure;

(6) the type of construction of the structure;

(7) the assembly occupant load of the structure, if any;

(8) if an automatic sprinkler system is provided, a notation as to whether the sprinkler system is required;

(9) any special conditions imposed in connection with the issuance of the Building Permit;

(10) the signature of the Code Enforcement Officer issuing the Certificate of Occupancy / Certificate of Occupancy and the date of issuance; and

A. any other information and certification required by the Code Enforcement Officer.

(d) Temporary Certificate. The Code Enforcement Officer may issue a Temporary Certificate 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 unless the Code Enforcement Officer determines (1) that the building or structure, or the portion thereof covered by the Temporary Certificate, may be occupied safely, (2) that any fire- and smoke-detecting or fire protection equipment which has been installed is operational, (3) that all required means of egress from the building or structure have been provided; and (4) that all site plan work is completed to the Village's satisfaction or at the Village's sole discretion, a bond is posted to secure completion of the work. The Code Enforcement Officer may include in a Temporary Certificate such terms and conditions as he or she deems necessary or appropriate to ensure safety or to further the purposes and intent of the Uniform Code. A Temporary Certificate shall be effective for a period of time, not to exceed six (6) months, which shall be determined by the Building Inspector and specified in the Temporary Certificate. During the specified period of effectiveness of the Temporary Certificate, the Permit Holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Uniform Code, the Energy Code and this Chapter.

(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 section 16 (Fees) of this Chapter must be paid at the time of submission of an application for a Certificate of Occupancy, Certificate of Compliance or for Temporary Certificate.

§58-8. Notification Regarding Fire or Explosion.

The chief of any fire department providing fire fighting services for a property within this Village shall promptly notify the Building Inspector of any fire or explosion involving any structural damage, fuel burning appliance, chimney or gas vent.

§58-9. Unsafe Building and Structures.

Unsafe structures and equipment in this Village shall be identified and addressed in accordance with the procedures set forth in Chapter 61 of the Village Code, as now in effect or as hereafter amended from time to time.

§58-10. Operating Permits.

(a) Operation Permits required. Operating Permits shall be required for conducting the activities or using the categories of buildings listed below:

(1) manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;

(2) hazardous processes and activities, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;

(3) use of pyrotechnic devices in assembly occupancies;

(4) buildings and temporary structures, such as a tent, containing one or more areas of public assembly with an occupant load of one hundred (100) persons or more;

I. buildings containing devices that produce grease laden vapors and required fire suppression systems; and

(6) buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Village Board of Trustees.

Any person who proposes to undertake any activity or to operate any type of building listed in this subdivision (a) shall be required to obtain an Operating Permit prior to commencing such activity or operation.

(b) Applications for Operating Permits. An application for an Operating Permit shall

be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

(c) Inspections. The Code Enforcement Officer or an Inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an Operating Permit.

(1) The Code Enforcement Officer shall conduct periodic inspection for compliance with the provisions of the Uniform Fire Prevention and Building Code. Such inspections may be made at any reasonable time.

(2) If entrance to make an inspection is refused or cannot be obtained, the Code Enforcement Officer may apply for a warrant to make an inspection to any court of competent jurisdiction.

(3) In case of an emergency, property may be inspected at any time without a warrant and without permission.

(d) Multiple Activities. In any circumstance in which more than one activity listed in subdivision (a) of this section is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities.

(e) Duration of Operating Permits. Operating permits shall be issued for such period of time, not to exceed one year, as shall be determined by the Code Enforcement Officer to be consistent with local conditions. The effective period of each Operating Permit shall be specified in the Operating Permit. An Operating Permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

(f) Revocation or suspension of Operating Permits. If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code or this Chapter, such Operating Permit shall be revoked or suspended.

(g) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (Fees) of this Chapter must be paid at the time submission of an application for an Operating Permit, for an amended Operating Permit, or for reissue or renewal of an Operating

Permit.

§58-11. Fire Safety Inspections.

(a) Inspections required. Fire safety 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) Fire safety inspections of buildings or structures which contain an area of public assembly shall be performed at least once every twelve (12) months.
- (2) Fire safety inspections of buildings or structures being occupied as dormitories shall be performed at least once every twelve (12) months.
- (3) Fire safety inspections of all multiple dwellings not included in paragraphs (1) or (2) of this subdivision, and all non-residential buildings, structures, uses and occupancies not included in paragraphs (1) or (2) of this subdivision, shall be performed at least once every twelve (12) months, not to exceed twenty-four (24) months.

(b) Inspections permitted. In addition to the inspections required by subdivision (a) of this section, a fire safety 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 designated by the Code Enforcement Officer 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, the Energy Code, or this Chapter 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, the Energy Code, or this Chapter 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.
- (4) application for a warrant by the Code Enforcement Officer to make an inspection to any court of competent jurisdiction if entrance to make an inspection

is refused or cannot be obtained.

(5) determination of the Code Enforcement Officer that there exists an emergency, property may be inspected at any time without a warrant and without permission.

(c) OFPC Inspections. Nothing in this section or in any other provision of this Chapter 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 under Executive Law section 156-e and Education Law section 807-b. Notwithstanding any other provision of this section to the contrary:

(1) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure which contains an area of public assembly if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(2) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a building or structure occupied as a dormitory if OFPC performs fire safety and property maintenance inspections of such building or structure at least once every twelve (12) months;

(3) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a multiple dwelling not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such multiple dwelling at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section; and

(4) the Code Enforcement Officer shall not perform fire safety and property maintenance inspections of a non-residential building, structure, use or occupancy not included in paragraphs (1) or (2) of subdivision (a) of this section if OFPC performs fire safety and property maintenance inspections of such non-residential building, structure, use or occupancy at intervals not exceeding the interval specified in paragraph (3) of subdivision (a) of this section.

(d) Fee. The fee specified in or determined in accordance with the provisions set forth in section 16 (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.

§58-15. 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 Chapter, 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 section 15 (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.

§58-16. Fees.

A fee schedule shall be established by resolution of the Village Board of Trustees. 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, fire safety and property maintenance inspections, electrical inspections, and other actions of the Building Inspector described in or contemplated by this Chapter.

§58-17. Record Keeping.

(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 other features and activities specified in or contemplated by sections 4 through 12, inclusive, of this Chapter, including; and
- (9) all fees charged and collected.

(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.

§58-18. Program Review and Reporting.

(a) The Code Enforcement Officer shall annually submit to the Village Board of Trustees a written report and summary of all business conducted by the Building Inspector and the Inspectors, including a report and summary of transactions and activities described in section 13 (Record Keeping) 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 Village, on a form prescribed by the Secretary of State, a report of the activities of this Village 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, from the records and related materials this Village is required to maintain, excerpts, summaries, tabulations, statistics and other information and accounts of the activities of this Village in connection with administration and enforcement of the Uniform Code.

§58-19. Violations.

(a) Compliance Orders. 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. Upon finding that any such condition or activity exists, the Code Enforcement Officer shall issue a Compliance Order. The Compliance Order shall (1) be in writing; (2) be dated and signed by the Code Enforcement Officer; (3) specify the condition or activity that violates the Uniform Code, the Energy Code, or this Chapter; (4) 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; (5) specify the period of time which the Code Enforcement Officers deems to be reasonably necessary for achieving compliance; (6) direct that compliance be achieved within the specified period of time; and (7) state that an action or proceeding to compel compliance may be instituted if compliance is not achieved within the specified period of time. The Code Enforcement Officer

shall cause the Compliance Order, or a copy thereof, to be served on the owner of the affected property personally or by certified mail. The Code Enforcement Officer shall be permitted, but not required, to cause the Compliance 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 being performed at the affected property personally or by certified mail; 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, the Energy Code or this Chapter.

(c) Criminal Penalties. Unless otherwise specifically provided, the violation of this 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 provisions of this Chapter, shall be deemed an offense against such law, punishable by a fine not to exceed \$250 for each day or part thereof during which such violation continues or imprisonment of not more than 15 days, or both such fine and imprisonment.

(d) Civil Penalties. In addition to and not in lieu of those penalties proscribed by State law, the violation of any provision of the Uniform Code, the Energy Code or this 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 Building Inspector pursuant to any provision of this Chapter, shall be liable to a civil penalty of not less than \$50 nor more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this subdivision shall be recoverable in an action instituted in the name of this Village.

(e) Injunctive Relief. An action or proceeding may be instituted in the name of this Village, 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 Village, 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.

(f) Remedies Not Exclusive. No remedy or penalty specified in this section shall be the exclusive remedy or remedy 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 section 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 section 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 section 381 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 section 381 of the Executive Law.

§58-20. Intermunicipal Agreements.

The foregoing resolution was seconded by Trustee Miller and carried by a vote of 3 ayes and 0 nays.

The Village Board of Trustees may, by resolution, authorize the Board of Trustees of this Village to enter into an agreement, in the name of this Village, 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.

§58-21. No Special Duty.

This chapter is intended to help protect the general welfare of the Village of Cornwall-on-Hudson. Accordingly, this chapter, and any act or omission pursuant thereto, does not create, and shall not be construed to create, any special duty or obligation of the village, its officers, employees or agents to any person.

§58-22. 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.

§58-23. Severability.

If any word, phrase, part or provision of this Chapter/article shall be declared

invalid by a court of competent jurisdiction, the same shall be severed and separated from the remainder of this article, and said remainder shall continue in full force and effect.

Section 2. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State.

Trustee Fogarty introduced the following resolution and moved for its adoption.

BE IT RESOLVED that an introductory Local Law entitled “Administration and Enforcement of the New York State Uniform Fire Prevention and Building Code” be and it hereby is introduced before the Board of Trustees of the Village of Cornwall-on-Hudson in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that copies of the aforesaid proposed local law be laid upon the desk of each member of the Board, and

BE IT FURTHER RESOLVED that the Board hold a public hearing on said proposed local law at the Village Hall, 325 Hudson Street, in the Village of Cornwall-on-Hudson, New York at 7:45 o'clock PM on September 19, 2007, and

BE IT FURTHER RESOLVED that the Clerk publish or cause to be published a public notice in the official newspaper of the Village of Cornwall-on-Hudson of said public hearing at least five (5) days prior thereto.

The foregoing resolution was seconded by Trustee Miller and carried by a vote of 3 ayes and 0 nays.

WINDING CREEK – STANDARD WATER SERVICE AGREEMENT

Trustee Fogarty made a motion to enter into a Standard Water Service Agreement with Winding Creek and authorized Mayor Gross to sign the agreement which was seconded by Trustee Miller and carried by a vote of 3 ayes and 0 nays.

CANTERBURY GREEN – STANDARD WATER SERVICE AGREEMENT

Trustee Miller made a motion to enter into a Standard Water Service Agreement with Canterbury Green and authorized Mayor Gross to sign the agreement which was seconded by Trustee Fogarty and carried by a vote of 3 ayes and 0 nays.

WILLOW WOODS – STANDARD WATER SERVICE AGREEMENT

Trustee Fogarty made a motion to enter into a Standard Water Service Agreement with Willow Woods and authorized Mayor Gross to sign the agreement which was seconded by Trustee Miller and carried by a vote of 3 ayes and 0 nays.

Having concluded the business set before them, Trustee Fogarty moved to adjourn the meeting which was seconded by Trustee Miller and upon a vote of 3 Ayes and 0 Nays, the meeting was adjourned at 9:51 PM.