

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

Town

of RIVERHEAD

~~Village~~

Local Law No. 43 of the year 2008

A local law ENACTING CHAPTER 53 OF THE CODE OF THE

(Insert Title)

TOWN OF RIVERHEAD ENTITLED "IMPROVEMENTS FOR

PEOPLE WITH DISABILITIES AND SENIORS

Be it enacted by the TOWN BOARD of the

(Name of Legislative Body)

~~County~~

~~City~~

Town

of RIVERHEAD

as follows:

~~Village~~

SEE ATTACHED:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 43 of 2008 of the ~~(County)(City)(Town)(Village)~~ of RIVERHEAD TOWN BOARD on 11/05 2008, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer*) and was deemed duly adopted on 20, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer*) on 20. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on 20, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 20 of the (County)(City)(Town)(Village) of on 20, and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer*) on 20. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 20, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Alvina M. Wilhelm

Town Clerk

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

(Seal)

Date: November 12, 2008

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF SUFFOLK

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

[Handwritten Signature]

Signature

TP

Title Town Attorney

County
~~City~~
Town of RIVERHEAD
~~Village~~

Date: November 12, 2008

CHAPTER 53
Improvements for people with disabilities and seniors

SECTION 1. Legislative Intent.

It is becoming increasingly apparent that a growing percentage of the residents of the Town of Riverhead require design modifications and accessibility improvements in order to enter and exit their homes safely. In addition, commercial establishment and places of public accommodation require modifications to remove architectural barriers to access and improve access for persons with mobility impairments. This is particularly true where, as here, the demographics demonstrate that increasing numbers of residents aged 55 years and better are seeking to remain in their single family homes and “age-in-place”.

In order to construct necessary design modifications and accessibility improvements in these homes and commercial establishments a building permit is required. The intent of this local law is to facilitate the processing of these permits through the Building Department and to allow for relief from certain strictures of the Zoning Code for these accessibility improvements.

Many existing homes have been built to occupy lots up to front, rear and side lot setback requirements. Often, design modifications and accessibility improvements may only be constructed within these required setbacks – which, under current Town Code requirements, often necessitate an area variance from the Zoning Board of Appeals. The Zoning Board of Appeals may vary these setback requirements, but only after proceedings that often require a hearing and other lengthy processes.

The Town Board finds that, in furtherance of the above stated goals of facilitating design modifications and accessibility improvements, exempting improvements to residential structures from the strict application of the Zoning Code will better assist residents who wish to “age-in-place” and improve their quality of life without adversely affecting neighboring properties.

As set forth in Chapter 52-10(c) and subject to compliance with the American National Standards for Accessible and Usable Buildings and Facilities, as adopted by the New York State Building Code, construction items related solely to improving access, safety and independent living for people with disabilities and seniors at entrances to and within buildings shall be exempt from building permit fee requirements.

- (1) Commercial establishment modifications. The building permit fee shall be waived for all modifications to commercial buildings or places of public accommodation related solely to removing architectural barriers to access and improving access for persons with mobility impairments, including but not limited to ramps and bathroom renovations.

- (2) Home modification. The building permit fee shall be waived for all home modifications related to improving access for persons with mobility impairments, including but not limited to ramps and kitchen and bathroom renovations.
- (3) New single- family home construction. The building permit fee shall be reduced by \$300.00 for a new construction of single-family dwellings in which the applicant opts to incorporate the following universal design "basic access "features:
 - (a) At least one stepless entrance to the dwelling (may be located anywhere, front, rear, side or even in the garage);
 - (b) Wider doors on the first floor;
 - (c) At least a half bath on the first floor that enables a wheelchair user to enter and close the door. In addition, having reinforcements between wall studs in bathrooms, or what is commonly called "blocking", allows for easier and safer installation of grab bars if needed in the future for the home's occupants;
 - (d) Bedroom located on the first floor or room suitable "flex room" for living space for a person with mobility impairments.
- (4) New two-family dwellings, multiple dwellings, apartments, condominiums and hotels. For new two-family dwellings, multiple dwellings, apartments, condominiums and hotels the building permit fee shall be reduced by \$300.00 if the dwelling units incorporate the following universal design "basic access" features:
 - (a) At least one stepless entrance to the dwelling (may be located anywhere, front, rear, side or even in the garage);
 - (b) Wider doors and hallways on the first floor ;
 - (c) At least a half bath on the first floor that enables a wheelchair user to enter and close the door. In addition, having reinforcements between wall studs in bathrooms, or what is commonly called "blocking", allows for easier and safer installation of grab bars if needed.
 - (d) Bedroom located on the first floor or room suitable "flex room" for living space for a person with mobility impairments.

- (5) Priority review. The Building Department Administrator shall promulgate procedures for departmental review of applications for building permits related to design modifications and accessibility improvements which allow for priority review and expedited approval.
- (6) The Building Department Administrator or his/her designee shall have the authority to approve the installation of design modifications and accessibility improvements as a temporary exception from any applicable front, side and rear lot setback or similar dimensional restrictions governing the maximum building area of a residentially zoned lot, without necessity of an application for an area variance from the Zoning Board of Appeals, subject to the following:
 - (a) The applicant presents documentation from a licensed physician declaring that one or more residents domiciled at a dwelling within the Town of Riverhead requires the construction at said domicile of design modifications and accessibility improvements to provide for access or egress aided by equipment requiring ramps or lifts;
 - (b) Such design modifications and accessibility improvements shall not be included in the floor area or impervious surface calculations applicable to the dwelling;
 - (c) Such design modifications and accessibility improvements do not project more than seven (7) feet beyond the otherwise permissible building area on the front, side or rear of any dwelling;
 - (d) The construction of said facilities or improvements meets applicable American National Standards for Accessible and Usable Buildings and Facilities as adopted by the New York State Building Code;
 - (e) In granting such exemption, the Building Administrator shall limit the duration of the exception to the time period specified by the licensed medical professional providing documentation for the home design modification and accessibility improvement. An extension of such duration may be permitted by presentation of further documentation from a medical professional addressing the continued need for the facility or improvement.
 - (f) The Building Department Administrator shall promulgate such rules, procedures, application forms and certificates as may be required to effectively implement the provisions of this subsection.

SECTION 2. Legislative Authority.

This Chapter is enacted pursuant to New York State Town Law §§130 and 138.

SECTION 3. Severability.

If any section or subsection, paragraph, clause, phrase or provision of this law shall be judged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole or any part thereof other than the part or provision so adjudged to be invalid or unconstitutional.

SECTION 4. Effective Date.

This local law shall become effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

November 20, 2008

Diane M Wilhelm
Town Clerk
200 Howell Avenue
Riverhead NY 11901

FILED IN OFFICE OF
BARBARA GRATTA
TOWN CLERK
2008 NOV 25 10:29

RE: Town of Clerk, Local Law No. 42, 43 & 44, 2008, filed on November 17, 2008

Dear Sir/Madam:

The above referenced material was received and filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us/corp/misc.html.

Sincerely,
Linda Lasch
Principal Clerk
State Records and Law Bureau
(518) 474-2755