

SECTION 5

REVIEW PROCESS

5.1. PERMIT PROCESS

5.1.1 Objective

The Review Process exists to assure that development and redevelopment maintains the character of the community and its environment, is in accordance with the Comprehensive Plan, and meets the requirements of this Code. The process should balance due diligence in the administration of the code with timely decisions regarding applications.

5.1.2 Scope/Applicability

A. Applicability

No Building/Use Permit may be issued by the Enforcement Officer unless the proposed development complies with all applicable sections of this Code, and all applicable approvals required by the Joint Review Board and /or Zoning Board of Appeals have been granted. The following shall not occur prior to the issuing of a Building/Use Permit by the Enforcement Officer, except as such building or use may be specifically exempt (refer to "exempt buildings" in Section xx Definitions).

1. No building will be constructed, erected or relocated.
2. No existing building will be expanded or added to in any way that would alter its exterior dimension.
3. No use will be located, changed, introduced or expanded relative to the area occupied or involved by such use.
4. No site disturbance beyond the reasonable allowance for the purposes of surveying the property ?.
5. The erection or modification of any signs ?
6. Any modifications of a conditional use including architectural modifications or a change of use to one which has different requirements in this Code?
7. Major landform changes
8. Forestry practices other than those exempted by the code
9. Land clearing

5.1.3 Application

A. Initiation through Code Enforcement Officer

All development review is initiated with the Enforcement Officer, through the Building/Use Permit review process.

B. Submission Requirements

Required application materials, plans, data and subdivision plats to be submitted in accord with the procedures as outlined in the respective Local Laws constituting this Code shall be in accord with the requirements of Article 9, Section 334 of the Real Property Law, where applicable and shall be prepared according to the following; except as they may be specifically waived by the Joint Review Board, the Chairperson of the Joint Review Board; the Chairperson of the Joint Board of Appeals, the Enforcement Officer, as is applicable, based on the procedure[s] under which the Application is to be considered. If the application is for a permitted use, only subsections 5.2 and 5.3 apply. In the case of conditional use, all sections shall apply.

An application for a Building/Use Permit shall be filed with the Enforcement Officer. All required application fees for all relevant development review processes shall be submitted with the application as well. The application shall include the following:

1. Accompanying Data

- a. Building Use Permit Application and the required fee(s)
- b. Name and address of Applicant and any professional agents and/or consultants.
- c. Authorization of owner if applicant is not the owner of the Real Property in question.
- d. Description of materials and method of installation for any equipment or installation for which the Permit is being sought.
- e. Results of any required on-site investigation including percolation test[s], where applicable.

2. Site Plan

A minimum of two [2] copies, no smaller than 8.5" x 11", drawn to scale, and such additional copies as the Enforcement Officer and/or the applicable Chairperson may specify, that depicts at a minimum:

- a. Location map showing boundaries and dimensions of the parcel or tract of land, contiguous properties, Planning Districts and any easements and/or public rights-of-ways.

- b. Existing features of the site including existing land use, land and water areas, existing buildings and water and/or sewer systems on or immediately adjacent to the site, and surface drainage characteristics.
- c. The proposed location and arrangement of buildings or installations on the site, including setbacks from all property lines for all such buildings or installations.
- d. Sketch of any proposed building or structure, including exterior dimensions and elevations of front, side and rear views.
- e. Identify areas with slopes greater than Sec 3 now defines steep slopes as 15 % 20% (2' vertical rise over 10' horizontal run).

3. Other Applicable Information

To include, where applicable:

- a. Evidence of compliance with New York State Fire Prevention and Building Code, such as: signed and sealed survey, architectural and engineered drawings.
- b. Such additional information, data and analysis as may be necessary in the judgment of an Enforcement Officer, Joint Review Board and/or Joint Zoning Board of Appeals, as applicable, or other instrument of the Village and/or Town, as applicable, to render a determination under the provisions for the administration and enforcement of this Code.

4. Additional Application Requirements

- a. An application for a Certificate of Compliance shall be made coincidental with any application for a Building/Use Permit, such application to be valid for the duration of the Permit.

One copy of any and all sketched drawings, plans, blueprints submitted by the Applicant for and pertaining to the granting of a Building/Use Permit shall be filed with the North Elba Board of Assessors prior to the issuance of a Building/Use Permit.

5.1.4 Actions of the Enforcement Officer

A. Review by Enforcement Officer

As per Local Law #2 1982, The Enforcement Officer shall review the application and shall issue or refuse to issue the applied for Building/Use Permit, or advise the applicant of any required additional information or referral required within ten (10) days of receipt of the application. Notice of refusal to issue any Permit shall be given to the applicant in writing and shall state the reasons for said refusal. Approval of the application shall be indicated by the issuance of the Building/Use Permit as herein provided.

B. Issuance of a Temporary Permit

If the proposed project involves any excavation, site alteration or improvement requiring any disturbance of the soil of the property, the Enforcement Officer shall only issue a temporary Building/Use Permit authorizing:

1. Performance of such excavation, site alteration or improvement requiring disturbance of the soil.
2. Other preparation for, but not construction of, all foundation work required for the project proposed.

All excavation, site alteration or improvement, disturbance of the soil shall be in accord with a "Storm Water Management Permit", if applicable. No other or additional work shall be authorized or performed under a temporary Building/Use Permit.

C. Issuance of a Permit

Upon the completion of preparation for all foundation work required for the project proposed, the applicant for the Building/Use Permit shall apply in writing to the Enforcement Officer for the issuance of the Building/Use Permit. Within 72 hours following receipt of such written notice and prior to the issuance of the Building/Use Permit it shall be the responsibility of the Enforcement Officer to make or cause to have made an on-site inspection of the property to measure and confirm that the proposed foundation location, as actually delineated on the ground, satisfies all setback requirements pertaining to the property and that it will be located and positioned in accordance with the site plan submitted by the applicant and the other requirements of the Code and as to any requirements set forth by the Joint Review Board and/or the Joint Board of Appeals. The Enforcement Officer shall maintain a written record of his or her on-site inspection[s] specifying the date and the results of his or her measurements. It shall be the responsibility of the applicant to establish to the satisfaction of the Enforcement Officer the actual location of the boundary lines of the applicant's property at the time of said inspection. In the event it is determined that the applicant failed to comply with the requirements and conditions of the temporary Building/Use Permit and of this Code, no Building/Use Permit shall be issued.

D. Submission to Review Board

No building / use permit shall be issued by the Enforcement Officer without Review Board Approval for any conditional use, change in conditional use, site alteration or improvement which requires special review, or one or two family dwellings larger than 6500 sq. ft.

5.1.5 Duration of Validity

A Building/Use Permit issued under this Code shall be valid for a period of one (1) year from the date of issuance and shall thereafter be deemed null and void, except as application may be made to and considered by the Joint Board of Appeals, which Board may, for due cause shown, authorize a one (1) year extension to the validity of the Permit.

5.1.6 Certificates of Compliance / Certificate of Occupancy / Operating Permit

A. Applicability

1. No building or use requiring a permit shall be occupied, used or put into operation until a Certificate of Occupancy has been issued by the Enforcement Officer pursuant to the NYS Building Code.
2. Application[s] for a Certificate of Compliance and a Certificate of Occupancy shall be made coincidental with any application for a Building/Use Permit. Such application shall be valid for the duration of the validity of the Permit.
3. A Certificate of Compliance to the Conditions of Approval as established by the Joint Board of Review or the Joint Board of Appeals, as applicable, has been issued by the applicable Board.

B. Required Submissions

1. Application and Fee, as required.
2. Upon completion of any building or use for which a Building/Use Permit and Certificate of Compliance/Certificate of Occupancy are required, it shall be the responsibility of the applicant to immediately notify, in writing, the Enforcement Officer and the Chairman of the applicable Board in writing, of such project completion. Upon notification to the Enforcement Officer of project completion, the following shall be submitted to supplement the Application:
 - a. The required written notice shall be on a form provided by the Building Department, such form (signed by the applicant) shall serve as certification by the Applicant that all improvements were carried out in accord with the approved Building/Use Permit or as is otherwise required according to the provisions of this Code.
 - b. The written notice must state any changes made in the course of construction.
 - c. Any other Certification as may be by applicable, including that from any professional consultant, third party inspector, building contractor, or other as required by the Enforcement Officer.
3. No Certificate of Compliance, Certificate of Occupancy, or Operating Permit shall be issued until all conditions of any Board approval are met and all fees are paid.

C. Notice of Determination

1. The Enforcement Officer shall cause to have made an inspection of each building for which a Certificate of Occupancy is required before issuing such Certificate.
2. Certificate of Occupancy and Certificate of Compliance shall be issued only if the building and/or use conforms to the provisions of the NYS Building Code and the

conditions as set forth by the applicable Joint Board of Review or the Joint Board of Appeals.

3. Certificates of Occupancy and Compliance or written notification of refusal to issue Certificate[s] and the reasons therefore are to be sent to the applicants within ten [10] days from the date of the applicant's written notification of project completion.