

NEW BUSINESS: PENFIELD TOWN BOARD RESOLUTION NO.23T-163 DATE: July 5, 2023

BY: Councilwoman Kohl

Law & Finance Committee

NAME: State Environmental Quality Review Act (SEQRA) Review and Determination Associated with the Local Law to Amend Town Code Chapter 94 (Building Construction)

WHEREAS, the Town Board of the Town of Penfield wishes to amend Town Code Section 94-4 (Building Construction); and

WHEREAS, the Penfield Town Board was best suited to act as "lead agency" within the meaning of the State Environmental Quality Review Act (SEQRA) and designated itself as "lead agency" pursuant to SEQRA; and

WHEREAS, the action was classified as an unlisted action pursuant to the SEQRA; and

WHEREAS, the Town Board has considered the action, reviewed the Environmental Assessment Form, thoroughly analyzed any relevant areas of environmental concern associated with this action and determined that no significant adverse environmental impacts will result from the foregoing action of adopting the foregoing local law.

NOW, THEREFORE, BE IT RESOLVED, the Town Board makes a negative declaration for the purposes of SEQRA, and authorizes the Supervisor to sign Part 3 of the EAF, thus concluding its environmental review.

Moved: Kohl

Seconded: Ockenden

Vote:	Drawe	<u>Aye</u>
	Kohl	<u>Aye</u>
	Lee	<u>Absent</u>
	Ockenden	<u>Aye</u>

BY: Councilperson Kohl

Law & Finance Committee

NAME Adopt a Local Law to Amend Town Code Chapter 94 (Building and Construction)

WHEREAS, the Town determined that one of the listed exemptions in Penfield Town Code, which was based on a model law provided by NYS, deviated from the Town's previous required permits; and

WHEREAS, this specific exemption does not provide the Town with sufficient oversight to ensure that sheds and storage structures conform with the Town's zoning regulations; and

WHEREAS, the Town Board of the Town of Penfield conducted a public hearing on July 5, 2023 to consider the proposed draft local law to amend Section 94.4 of Penfield Town Code (Building Construction) to remove sheds from the list of categories exempt from obtaining a permit as contained in Schedule A attached hereto; and

WHEREAS, the Town Board designated itself as the lead agency and classified the action is an unlisted action pursuant to the State Environmental Quality Review Act (SEQRA), reviewed the action's potential impacts and made a negative declaration, thereby concluding SEQRA; and

WHEREAS, the Town desires quick remedy to this technical correction in the Town Code.

NOW, THEREFORE, BE IT

RESOLVED, AND HEREBY ENACTED BY THE TOWN BOARD OF THE TOWN OF PENFIELD AS FOLLOWS:

Local Law No. 5 of 2023, set forth in attached Schedule A; and

BE IT FURTHER RESOLVED, after its adoption by the Town Board of the Town of Penfield, this local law shall take effect immediately upon its filing with the Office of the Secretary of State of the State of New York.

Moved: Kohl

Seconded: Ockenden

Vote:	Drawe	<u>Aye</u>
	Kohl	<u>Aye</u>
	Lee	<u>Absent</u>
	Ockenden	<u>Aye</u>

Schedule A

**Town of Penfield
2023 Draft Local Law No. 5**

**A LOCAL LAW
TO AMEND PENFIELD TOWN CODE CHAPTER 94
(BUILDING CONSTRUCTION)**

Be it enacted by the Town Board of the Town of Penfield as follows:

Section 1. Purpose

The Town is amending Town Code Section 94-4 to remove one of the exemptions in order to ensure that installation and construction of sheds conforms with all applicable zoning and land use regulations.

Section 2. Proposed Amendment

The following deletion to Chapter 94 is proposed. New text is underlined and deleted text is marked with a strike-through.

94-4

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

~~(1) Construction or installation of one-story detached structures associated with one- or two-family dwellings or multiple single-family dwellings (townhouses), which are used for tool and storage sheds, playhouses, or similar uses, provided the gross floor area does not exceed 144 square feet;~~

~~(12)~~ Construction of temporary sets and scenery associated with motion picture, television, and theater uses;

~~(23)~~ Installation of window awnings supported by an exterior wall of a one- or two-family dwelling or multiple single-family dwellings (townhouses);

~~(34)~~ Installation of partitions or movable cases less than five feet nine inches in height;

~~(45)~~ Painting, wallpapering, tiling, carpeting, or other similar finish work;

~~(56)~~ Installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

~~(67)~~ 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

~~(78)~~ Repairs, provided that the work does not have an impact on fire and life safety, such as: i) any part of the structural system; ii) the required means of egress; or iii) the fire protection system or the removal from service of any part of the fire protection system for any period of time.

Section 3. Severability

The invalidity of any word, section, clause, paragraph, sentence, part, or provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

Section 4. Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State of New York as provided by law.