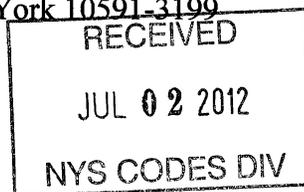




TARRYTOWN-ON-HUDSON

One Depot Plaza, Tarrytown, New York 10591-3199



Mayor
DREW FIXELL
Deputy Mayor
THOMAS T. BASHER

Trustees
THOMAS BUTLER
ROBERT HOYT
MARY MCGEE
BECKY MCGOVERN
DOUGLAS ZOLLO

VILLAGE ADMINISTRATOR
914-631-1885
VILLAGE TREASURER
914-631-7873
VILLAGE CLERK
914-631-1652
VILLAGE ENGINEER
914-631-3668

DEPT. OF PUBLIC WORKS
914-631-0356

FAX NO. 914-909-1208

June 28, 2012

Mr. Raymond Andrews, R.A.
Assistant Director for Code Development
NYS Department of State: Codes Division
41 State Street
Albany, New York 12231

Re: Petition for More Restrictive Local Standards

Dear Mr. Andrews:

This letter and supporting documentation shall serve as the Village's petition to the State Fire Prevention and Building Code Council for the incorporation of more restrictive local standards associated with the energy code. As you may note from the certified copy of the Local Law adopted by the Board of Trustees on June 18, 2012, it is the desire of the Village of Tarrytown Board of Trustees to adopt the more restrictive energy conservation code. The code, which has more restrictive requirements associated with energy conservation, is to be utilized for all construction in the Village should the Code Council agree to the more restrictive requirements for use in the Village of Tarrytown.

According to the information that has been provided to the Village by Ron Piester, Director, Division of Code Enforcement and Administration for the New York State Department of State, it is the intent of the State to adopt the International Energy Conservation Code as the code for all construction in New York State by the end of 2014. The Board of Trustees has attempted to take steps to make Tarrytown a green community, and the adoption of the IECC is a positive move toward the greening of the community. Other than the desire to make Tarrytown a more energy conscience community, there is no specific condition within the Village to prompt the adoption of the IECC. It is my hope that the information contained herein and the express desire of the Board of Trustees to adopt a more restrictive IECC will be approved by the Codes Council.

Mr. Raymond Andrews, R.A.

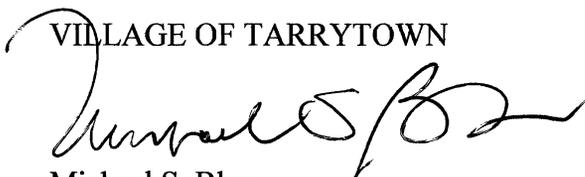
Page Two

June 28, 2012

Should you require any additional information to process this request, please do not hesitate to contact me.

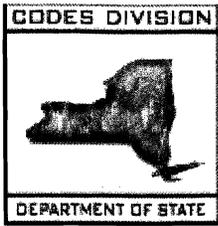
Very truly yours,

VILLAGE OF TARRYTOWN

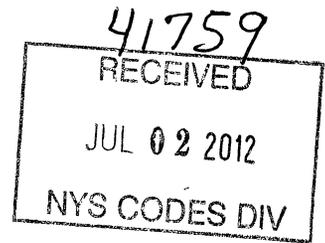
A handwritten signature in black ink, appearing to read "Michael S. Blau". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Michael S. Blau

Village Administrator



**NYS Department of State Codes Division
Code Development Unit**



**Petition to the State Fire Prevention & Building Code Council
for the Incorporation of More Restrictive Local Standards**

The chief executive officer or the chairperson of the legislative body of a local government shall petition the State Fire Prevention and Building Code Council for a determination as to whether or not the local law or ordinance is more restrictive than the provisions contained in the New York State Uniform Fire Prevention and Building Code. Such petition shall be submitted within 30 days of enactment or adoption of the local law or ordinance. Any petition failing to comply with the requirements listed below may be rejected by the Council as incomplete; in which case, the local ordinance would not be legally enforceable in the municipality.

The petition from a local government for the incorporation of more restrictive local standards must contain the following:

- A certified copy of the local law or ordinance, indicating the date of enactment.
- A legislative finding setting forth the special conditions prevailing within the municipality which warrant imposing more restrictive local standards.
- Documentation which includes substantiation (such as research reports, statistical analysis, and field-related experience) showing that such local law or ordinance conforms to accepted engineering and fire prevention practices and does not discriminate against material products, methods or systems of demonstrated capabilities.
- An economic impact statement which documents the cost and benefits of the local law or ordinance, including the potential impact to property and building owners, industry and local government.
- An analysis of each section of the local law or ordinance, indicating the content and comparable sections of the New York State Uniform Fire Prevention and Building Code.
- Copies of meeting minutes and/or transcripts if available from meetings or hearings in which the local law or ordinance was discussed and adopted.

The petition shall be reviewed based upon the following criteria:

- Where the council finds that such higher or more restrictive standards are reasonably necessary because of special conditions prevailing within the local government as stated in Section 379(2) of the New York State Uniform Fire Prevention and Building Code Act, the State Fire Protection and Building Code Council shall consider the request based on the merits of the petition.
- Where the special conditions listed in the petition also exist in other municipalities, the State Fire Protection and Building Code Council may consider the request as a **code change proposal**.

~~(Village)~~ **Town**, City of - please circle one)

Local government name: Village of Tarrytown

Chief executive officer (name and title): Drew Fixell, Mayor

Local government contact person: Michael Blau, Village Administrator

Address: One Depot Plaza, Tarrytown, New York 10591

Telephone number: 914-631-1785 Fax: 914-909-1208

E-mail address: mblau@tarrytowngov.com Date: 6/26/2012

Please submit this form and all necessary documentation to substantiate the above proposal to: Raymond Andrews, R.A., Assistant Director for Code Development, NYS Department of State, Codes Division, 41 State Street, Albany, New York 12231. If you have questions concerning submission requirements, please call the Code Development Unit at (518) 474-4073, e-mail: rthompso@dps.state.ny.us or fax: (518) 486-4487.



TARRYTOWN-ON-HUDSON

One Depot Plaza, Tarrytown, New York 10591-3605

Mayor
DREW FIXELL
Deputy Mayor
THOMAS T. BASHER

Trustees
THOMAS BUTLER
ROBERT HOYT
MARY McGEE
REBECCA MCGOVERN
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VILLAGE ENGINEER
914-631-3668
DEPT. OF PUBLIC WORKS
914-631-0356

FAX NO. 914-631-1571

Board of Trustees
Village of Tarrytown
Regular Meeting No. 11
June 18, 2012
8:00 p.m.

PRESENT: Deputy Mayor Basher presiding; Trustees, Butler, McGee and Zollo; Administrator Blau; Village Treasurer Hart; Village Attorney Shumejda and Village Clerk Booth

ABSENT: Mayor Fixell and Trustee McGovern

PUBLIC HEARING – BUILDING CONSTRUCTION TO INCORPORATE THE INTERNATIONAL ENERGY CONSERVATION CODE (adopted)

PLEASE TAKE NOTICE that the Board of Trustees of the Village of Tarrytown will hold a public hearing on the 18th day of June 2012, at 8 PM, in the Municipal Building, One Depot Plaza, Tarrytown, New York 10591, to hear, discuss and to act upon a proposed amendment to Chapter 97 entitled “Building Construction” of the Code of the Village of Tarrytown. A summary of the legislation is available at Village Hall. The complete text of this legislation follows:

A LOCAL LAW to amend Chapter 97 entitled “Building Construction” of the Code of the Village of Tarrytown.

SECTION 1. LEGISLATIVE INTENT AND FINDINGS OF FACT.

A. Findings of Fact.

The Board of Trustees of the Village of Tarrytown has determined that residential and commercial buildings, renovations and additions should be subject to the International Energy Conservation Code (IECC) state standards immediately and ahead of their formal implementation statewide. Pursuant to Section 11-109 of the Energy Law of the State of New, a municipality may, by local law, adopt energy standards which are more stringent than those already mandated by state statute.

B. Legislative Intent.

It is the intent of the Board of Trustees of the Village of Tarrytown to amend Chapter 97 entitled “Building Construction” of the Code of the Village of Tarrytown to adopt the International Energy Conservation Code (IECC) state standards immediately and ahead of their formal implementation statewide.

Material to be deleted appears in underline, material to be added is in **bold typeface**.

SECTION 2. Amendment to Chapter 97 entitled “Building Construction” of the Code of the Village of Tarrytown.

Chapter 97 Building Construction

§97-1 A. International Energy Conservation Code State Standards

This chapter shall also provide for administration and enforcement of the International Energy Conservation Code (IECC) and any future amendment or revision thereof. This provision is adopted pursuant to § 10 of Article 2 of the Municipal Home Rule Law and Section 11-109 of the Energy Law of the State of New York. Except as otherwise provided within this chapter, the Uniform Code or within the IECC, all premises, regardless of use, are subject to the IECC State Standards which follow.

SECTION 3. EFFECTIVE DATE

This local law shall take effect immediately, as provided by law.

All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing-impaired; a request must be made to the Village Clerk at least five days in advance of the meeting.

BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TARRYTOWN

Trustee Zollo moved, seconded by Trustee Hoyt, and unanimously carried, that the hearing be opened.

Deputy Mayor Basher questioned whether anyone wished to address the Board on this matter. No one appeared.

Trustee McGee moved, seconded by Trustee Butler, and unanimously carried, that the hearing be closed.

Trustee Zollo moved, seconded by Trustee Butler, and unanimously carried, that the following resolution be approved:
Approved: 5-0

BE IT RESOLVED that the Board of Trustees of the Village of Tarrytown does hereby amend the Code of the Village of Tarrytown, Chapter 97 entitled "Building Construction" to adopt the International Energy Conservation Code (IECC) state standards immediately and ahead of their formal implementation statewide.

WHEREAS, a public hearing was held for the proposed action on June 18, 2012 and

WHEREAS, a notice of public hearing was published in the Journal News on May 29, 2012 and

WHEREAS, the Board of Trustees of the Village of Tarrytown is the only agency which has approval authority over the Proposed Action, and is therefore the Lead Agency for the Proposed Action.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

In accordance with Article 8 of the State Environmental Conservation Law and 6NYCRR Part 617, including without limitations the criteria set forth in 6 NYCRR Part 617.7(c) and based upon review of the Environmental Assessment Form and all other materials that were prepared for the Proposed Action, the Village Board of Trustees hereby determines that Proposed Action will not have a significant adverse impact on the environment, and hereby adopts a Negative Declaration.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Tarrytown hereby adopts Local Law No. 5 of 2012.

I, Carol A. Booth, the undersigned Village Clerk, do hereby certify that the above is a true and correct excerpt of the minutes of the June 18, 2012 Board of Trustees Regular Meeting.



Carol A. Booth, Village Clerk

Dated: June 26, 2012

Official Seal