

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 19th day of February, 2014 at 7:10 o'clock p.m. to amend Chapter 108, entitled "Zoning" of the Riverhead Town Code.

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

**CHAPTER 108
Zoning
Article XIII
Supplementary Use Regulations**

§ 108-59. Swimming pools.

No swimming pool shall be constructed, used or maintained in any district without a permit and except in accordance with the following provisions:

A. Fencing; exceptions.

- (1) Every outdoor swimming pool shall be completely surrounded by a fence which shall comply with the following:
 - (a) Fences shall be at least four feet in height with a maximum vertical clearance to grade of two inches.
 - (b) The finished side of the fencing shall face away from the pool.
 - (c) Where a picket-type fence is provided, horizontal openings between pickets shall not exceed 2 3/8 inches. Height shall be measured vertically from the lowest horizontal support to the top of the pickets.
 - (d) Where a chain link fence is provided, the openings between links shall not exceed 2 3/8 inches.
 - (e) Enclosure shall be constructed so as not to provide footholds.
 - (f) Pickets and chain link twists shall extend to above the upper horizontal bar.
 - (g) Such enclosure shall have railings and posts within the enclosure, which shall be capable of resisting a minimum lateral load of 150 pounds applied midway between posts and at top of posts respectively. Enclosure, fence material or fabric shall be capable of withstanding a concentrated lateral load of 50 pounds

applied anywhere between supports on an area 12 inches square, without failure or permanent deformation.

(h) A wall or a dwelling is permitted to serve as part of the enclosure under the following conditions:

[1] Windows in the wall shall have a latching device at least 40 inches above the floor.

[2] A swinging door in the wall shall be self-closing and self-latching.

[3] A sliding door in the wall shall have a self-latching device.

(2) A pool less than ~~48~~ 24 inches deep is exempt from the requirements of Subsection A(1) above.

- B. In the event that an owner shall abandon an outdoor swimming pool, he shall so notify the Zoning Officer, and he shall forthwith fill all voids and depressions with clean fill material consisting of common earth and/or sand, and restore the premises to the same grade and condition as before the swimming pool was constructed and shall accordingly notify the Zoning Officer when said restoration work has been completed.
- C. No current-carrying electrical conductors, except electric wiring to equipment essential for illumination and necessary operation of swimming pools, shall cross an outdoor swimming pool either overhead or underground or be installed within 15 feet of such pool. All metal enclosures, fences or railings near or adjacent to an outdoor swimming pool which might become electrically charged as a result of contact with broken overhead conductors or from any other cause shall be effectively grounded.
- D. Outdoor and indoor swimming pools are permitted in all residence districts only as an accessory use to a dwelling for the private use of the owner or occupants of such premises and his family and guests.
- E. Outdoor and indoor swimming pools are permitted in all other districts as a main or accessory use.
- F. All proposed swimming pools, with exception of a pool less than ~~48~~ 24 inches deep which shall be exempt from the requirements of this subsection, that are within jurisdiction of the Conservation Advisory Council shall be equipped with a pump-out and a minimum 4 foot diameter x 4 foot deep drywell for pool discharge. The location of dry wells shall comply with the minimum setbacks from wetlands set forth in Town Code §107-4. Drainage of swimming pools into wetlands or any water body is prohibited.

- Overstrike represents deletion(s)
- Underscore represents addition(s)

Dated: Riverhead, New York
January 22, 2014

**BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD**

DIANE M. WILHELM, Town Clerk