

NOTICE

DATE: December 15, 2008

TO: BUILDING CODE ENFORCEMENT OFFICIALS

FROM: Westchester County Department of Health

**RE: DEPARTMENT OF HEALTH APPROVAL REQUIRED FOR
ANY CHANGE OF USE AT A COMMERCIAL BUILDING SERVED BY AN OWTS
and ANY MAJOR EXPANSION OF AN EXISTING HOME SERVED BY AN OWTS
EFFECTIVE IMMEDIATELY**

Please be informed that effective immediately any **CHANGE OF USE** at a commercial or institutional building or structure served by an Onsite Wastewater Treatment System (OWTS), a/k/a septic system, and any **MAJOR EXPANSION** of an existing residential building or structure served by an OWTS, requires prior written approval from the Department in accordance with Article VIII, Section 873.726 of the Westchester County Sanitary Code.

These requirements result from amendments to Article VIII of the Westchester County Sanitary Code effective November 7, 2008.

Change of use and Major expansion shall only apply to buildings or structures served by an OWTS, and are defined as follows:

- **Change of use** at a commercial or institutional building or structure shall mean, but not be limited to any change in nature of wastewater generated, any change in quantity of the wastewater generated, **any change in utilization or intensity of use of the building or structure, and any change in the type of facility or facilities that occupy the building or structure.** Types of facilities shall include but not be limited to housing, retail, food service, office, warehouse, dental, medical, salons, and industrial.
- **Major expansion** of an existing building or structure shall be defined as any renovation or expansion of an existing **residential** building or structure resulting in a gross floor area increase of 100% or more, or 1,000 square feet or more, whichever is less, within any five year period; or resulting in an increase in the total number of bedrooms in such building or structure.

In determining whether or not a renovation or building expansion results in a **major expansion**; gross floor area increase **shall not include** new porches, decks, unheated deck or porch enclosures, and garages. However, heated deck and porch enclosures shall be included, and unfinished rooms and attic or storage space may be included.

Other Code amendments effective on November 7, 2008, include Article VIII, Section 873.739 that requires prior written approval from the Department to construct/install any sewage holding tank to serve any building, structure, or premises; e.g. sewage holding tank to serve standalone bathroom facilities intended for seasonal use at recreational locations that will not support an OWTS.

A link to Article VIII of the Westchester County Sanitary Code, which includes further details and all amendments effective November 7, 2008, may be found on the Department homepage at <http://www.westchestergov.com/health/default.htm>.

For more information, please contact the Westchester County Department of Health Mount Kisco District Office at (914) 864-7333.