

Swimming Pool / SPA's

How to Use this Guide

Provide two sets of plan and complete the following:

- 1. Complete this Building Guide** by filling in the blanks on page 2.
- 2. Provide a Separate Site Plan** showing dimensions of your project or addition and its relationship to existing buildings or structures on the property. Show all easements and distance to existing property lines. (See example)
- 3. Fill out a Building Permit Application.** (attached)
The majority of permit applications are processed with little delay. The submitted documents will help determine if the project is in compliance with building safety codes and other applicable laws.
- 4. Provide proof of Workers' Compensation insurance.**
WORKERS' COMPENSATION LAW and **GENERAL MUNICIPAL LAW** require that the Town obtain proof of appropriate Workers' Compensation and Disability Benefits Insurance **PRIOR** to issuing this permit.

5. Dig Safely in New York. NY STATE LAW requires that you call **Dig Safely New York** at **811** for underground utility location, at least two working days prior to beginning any digging operations.



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Type of pool (check one): ☐ Above-ground ☐ In-ground ☐ Spa

Size of pool: (diameter in feet) _____

Depth of pool: (feet) _____

Electric (check one): ☐ Existing ☐ Installing new

Installing deck? ☐ Yes ☐ No

Is there a fence installed? ☐ Yes ☐ No

If yes, what is the height at all points? _____ (inches)

If yes, does fence contain gates w/ self-closing & latching hardware? ☐ Yes ☐ No

Does your house contain door(s) with direct access to the pool areas? ☐ Yes ☐ No

Pool setbacks (distances from the property lines):

Rear _____ (feet) Side _____ (feet) Front _____ (feet)



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Definition of “swimming pool”

The term “swimming pool” is defined in the Uniform Code as “any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.”

Barrier Requirements: Outdoor Residential Swimming Pools

An outdoor residential swimming pool must be provided with a barrier which completely surrounds the swimming pool and obstructs access to the swimming pool. The barrier may consist of a fence, a wall, a building wall, or any combination thereof. ² The barrier must be at least 4 feet (48 inches) high, and must satisfy certain specified requirements (which are discussed in more detail below).

Access gates must satisfy the requirements applicable to barriers, as well as certain additional requirements (which are discussed in more detail below). In addition, access gates must be securely locked with a key, combination or other child-proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised.

NOTE: In general, the barrier requirements discussed in this document apply to all swimming pools, without regard to the date of construction or installation of the pool.

NOTE: As mentioned above, the definition of “swimming pool” includes hot tubs and spas. However, a hot tub or spa with a safety cover that complies with reference standard ASTM F 1346, entitled *Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs*, is exempt from the barrier requirements discussed here.

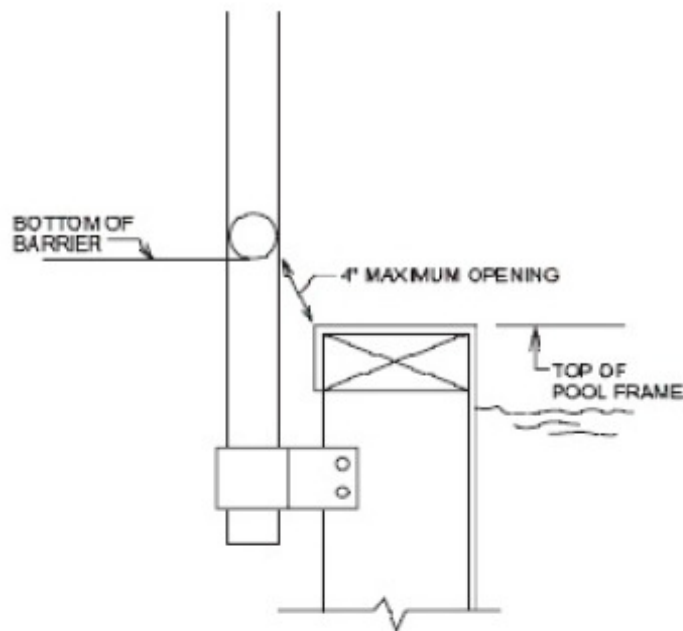
NOTE: The principal purpose of the Uniform Code’s barrier requirements is to make swimming pools inaccessible to children. The specific requirements discussed below are intended to prevent a child from crawling under the barrier, fitting through the barrier, or climbing over the barrier. The requirements for access gates are intended to prevent a child from opening an access gate.

Barriers provided for outdoor residential swimming pools must satisfy the following requirements:

- The barrier must completely surround the swimming pool and must obstruct access to the swimming pool.
- The barrier must be at least 4 feet (48 inches) high.
- The space between the bottom of the barrier and the ground cannot exceed 2 inches.
- In the case of an above-ground pool, the barrier may be at ground level or mounted on top of the pool structure; however, if the barrier is mounted on top of the pool structure, the space between the top of the pool structure and the bottom of the barrier cannot exceed 4 inches. *See Figure 3109.4.1 on Page 3.*
- Any opening in the barrier must be small enough to prevent the passage of a 4-inch-diameter sphere through the opening. *See Figure 3109.4.1.1 on Page 3.*

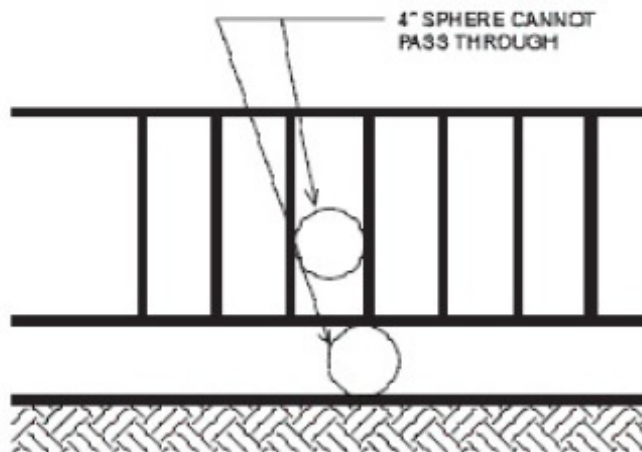


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For SI: 1 inch = 25.4 mm.

Figure 3109.4.1



For SI: 1 inch = 25.4 mm.

Figure 3109.4.1.1
BARRIER OPENINGS

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- A barrier that does not have openings, such as a masonry or stone wall, cannot contain indentations or protrusions (except for normal construction tolerances and tooled masonry joints).
- Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches:
 - the horizontal members must be located on the swimming pool side of the fence;
 - the spacing between vertical members cannot exceed 1.75 inches; and
 - spacing within any decorative cutouts in vertical members cannot exceed 1.75 inches. See Figure 3109.4.1.3 below.
- Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches or more:
 - spacing between vertical members cannot exceed 4 inches; and
 - spacing within any decorative cutouts in vertical members cannot exceed 1.75 inches. See Figure 3109.4.1.3 below.

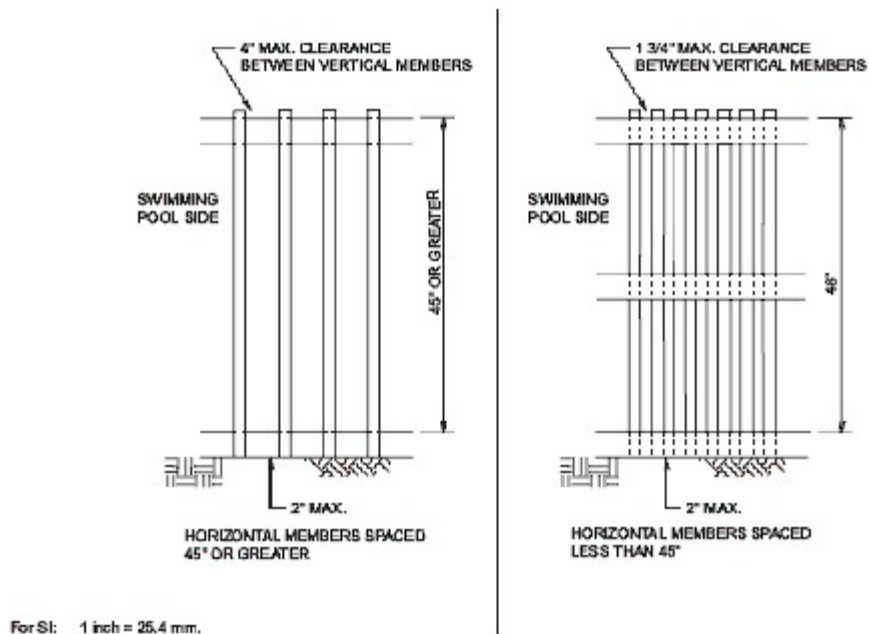
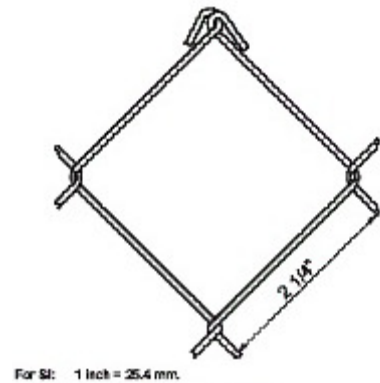


Figure 3109.4.1.3
PRIVATE SWIMMING POOL BARRIER CONSTRUCTION

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If a chain link fence is used as the barrier, the mesh size cannot exceed 2.25-inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to not more than 1.75 inches. *See Figure 3109.4.1.6*



For SI: 1 inch = 25.4 mm.
Figure 3109.4.1.6
CHAIN-LINK FENCE MESH FOR PRIVATE
SWIMMING POOLS

- Where the barrier is composed of diagonal members, such as a lattice fence, the opening formed by the diagonal members cannot exceed 1.75 inches.
- Access gates must satisfy the requirements stated above, and with the following additional requirements:
 - All gates must be self-closing.
 - In addition, if the gate is a pedestrian access gate, the gate must open outward, away from the pool.
 - All gates shall be self-latching, with the latch handle located within the enclosure (i.e., on the pool side of the enclosure) and at least 40 inches (1016 mm) above grade.
 - In addition, if the latch handle is located less than 54 inches (1372 mm) from the bottom of the gate, the latch handle shall be located at least 3 inches (76 mm) below the top of the gate, and neither the gate nor the barrier shall have any opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the latch handle.
 - All gates shall be securely locked with a key, combination or other child proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised.
- A building wall can form part of the required barrier. However, where a wall of a dwelling serves as part of the barrier, at least one of the following requirements must be satisfied:
 - the pool must be equipped with a powered safety cover in compliance with reference

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- all doors with direct access to the pool through that wall must be equipped with an alarm which (1) produces an audible warning when the door and its screen, if present, are opened, (2) sounds continuously for a minimum of 30 seconds *immediately* after the door is opened, (3) is capable of being heard throughout the house during normal household activities, (4) automatically resets under all conditions, and (5) is equipped with a manual means, such as touchpad or switch, to deactivate the alarm temporarily for a single opening (such deactivation cannot last for more than 15 seconds, and the deactivation switch[es] must be located at least 54 inches above the threshold of the door); or
- other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body and which afford a degree of protection not less than the protection afforded by the powered safety cover and door alarm described above, must be provided

Pool Alarm Requirements ⁷

Every swimming pool that is installed, constructed or substantially modified after December 14, 2006 must be equipped with an approved pool alarm which:

- is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;
- is audible poolside and at another location on the premises where the swimming pool is located;
- is installed, used and maintained in accordance with the manufacturer's instructions;
- is classified to reference standard ASTM F2208, entitled *Standard Specification for Pool Alarms* (either the version adopted in 2002 and editorially corrected in June 2005, or the version adopted in 2007); and
- is not an alarm device which is located on person(s) or which is dependent on device(s) located on person(s) for its proper operation.

A pool alarm must be capable of detecting entry into the water at any point on the surface of the swimming pool. If necessary to provide detection capability at every point on the surface of the swimming pool, more than one pool alarm must be installed.

Pool alarms are not required in:

- a hot tub or spa equipped with a safety cover classified to reference standard ASTM F1346 (2003), entitled *Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs*, or
- any swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover classified by to reference standard ASTM F1346 (2003).



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State Energy Conservation Construction Code Requirements

The State Energy Conservation Construction Code (the “Energy Code”) is promulgated by the Code Council pursuant to Article 11 of the Energy Law. The Energy Code is included provisions in Part 1240 of Title 19 of the NYCRR and in the publication mentioned in that Part. That publication is the *Energy Conservation Construction Code of New York State*.

Pool heaters must have an ON-OFF switch mounted for easy access to allow the heater to be shut off without adjusting the thermostat setting and to allow restarting of the heater without relighting the pilot light.

All heated swimming pools must be equipped with a pool cover. However, outdoor pools deriving more than 20 percent of the energy for heating from renewable sources are exempt from this requirement.¹³

Heated pools must have time clocks so that the pump may be set to run during the off-peak electric demand period. This also allows the pump to run for the minimum time necessary to keep the water in a clear and sanitary condition in accordance with applicable health standards.¹⁴



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BUILDING PERMIT APPLICATION

*****Office Use Only*****

Date Submitted: _____

Permit No. _____

Date Issued _____ By _____

PERMIT MUST BE OBTAINED BEFORE BEGINNING ANY CONSTRUCTION

**PLEASE READ AND COMPLETE THIS ENTIRE FORM
TO AVOID DELAYS IN OBTAINING YOUR PERMIT**

LOCATION OF PROPOSED WORK OR IMPROVEMENT

Property Address: _____ Zip Code: _____ Tax Map# _____

Lot #: _____ Subdivision/Land Development: _____

CONTACTS

Applicant: _____ Phone: _____ Cell: _____

Mailing Address: _____ E-mail: _____

Property Owner (if different than applicant): _____ Phone: _____ Cell: _____

Mailing Address: _____ E-mail: _____

Principal Contractor: _____ Phone: _____ Cell: _____

Mailing Address: _____ E-mail: _____

Architect/Engineer: _____ Phone: _____ Cell: _____

Mailing Address: _____ E-mail: _____

TYPE OF WORK OR IMPROVEMENT (Check any that apply)

- | | | | | | | |
|--|-----------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> New Building | <input type="checkbox"/> Addition | <input type="checkbox"/> Alteration | <input type="checkbox"/> Repair | <input type="checkbox"/> Demolition | <input type="checkbox"/> Renovation | <input type="checkbox"/> Pool |
| <input type="checkbox"/> Change of Use | <input type="checkbox"/> Plumbing | <input type="checkbox"/> Mechanical | <input type="checkbox"/> Electrical | <input type="checkbox"/> Fire Alarm | <input type="checkbox"/> Sprinkler | <input type="checkbox"/> Shed/garage |

Describe the proposed work: _____

ESTIMATED COST OF CONSTRUCTION (reasonable fair market value) \$ _____

DESCRIPTION OF BUILDING USE (Check One)

RESIDENTIAL

- ☐ One-Family Dwelling
☐ Two-Family Dwelling

NON-RESIDENTIAL

Specific Use: _____ Use Group: _____
Change in Use: ☐ YES ☐ NO; Indicate previous use: _____



4078 State Hwy 3, Star Lake, NY 13090
315-848-3121 Fax 315-848-3152

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BUILDING/SITE CHARACTERISTICS

Mechanical: Indicate type of Heating/Ventilating/Air Conditioning (i.e., electric, gas, oil, etc.): _____

Water Service: ☐ Public ☐ Private

Sewer Service: ☐ Public ☐ Private

Grinder Pump: ☐ Yes ☐ No

Electrical Service size: _____ amps; ☐ Breakers ☐ Fuses

FLOODPLAIN CERTIFICATION

Is the site located within an identified FEMA designated flood hazard area? ☐ YES ☐ NO

Will any portion of the flood hazard area be developed? ☐ YES ☐ NO ☐ N/A

Lowest Floor Level: _____ Occupied: ☐ YES ☐ NO

AFFIDAVIT

Owner/Agent verifies that any proposed construction and/or development activity complies with the requirements of the National Flood Insurance Program and Town of Fine Local Law 1-1987 regarding Flood Hazard Prevention.

The applicant certifies that all information on this application is correct and the work will be completed in accordance with the "approved" construction documents and the New York State Uniform Fire Prevention and Building Code and any additional approved building code requirements adopted by the Town of Fine. The property owner and applicant assumes the responsibility of locating all property lines, setback lines, easements, rights-of-way, flood areas, etc.

Issuance of a permit and approval of construction documents shall not be construed as authority to violate, cancel or set aside any provisions of the codes or ordinances of the Town of Fine or any other governing body. The applicant certifies he/she understands all the applicable codes, ordinances and regulations.

Application for a permit shall be made by the owner of the building or structure, or their agent, or by the registered design professional employed in connection with the proposed work. By signing this application, agent or registered design professional of the owner or lessee represents that s/he is authorized by the owner or lessee to sign the application on his or her behalf.

I certify that the Code Enforcement Officer shall have the authority to enter areas covered by such permit at any reasonable hour to determine compliance with the provision(s) of the code(s) applicable to such permit.

Applicant's Signature _____ Date _____

OFFICE USE ONLY

OTHER DOCUMENTS/APPROVALS REQUIRED

APA Approval # _____ Date: _____

Private Sewage Disposal Permit # _____ Date: _____

Highway Work Permit # _____ Date: _____

Planning Board Approval _____ Date: _____



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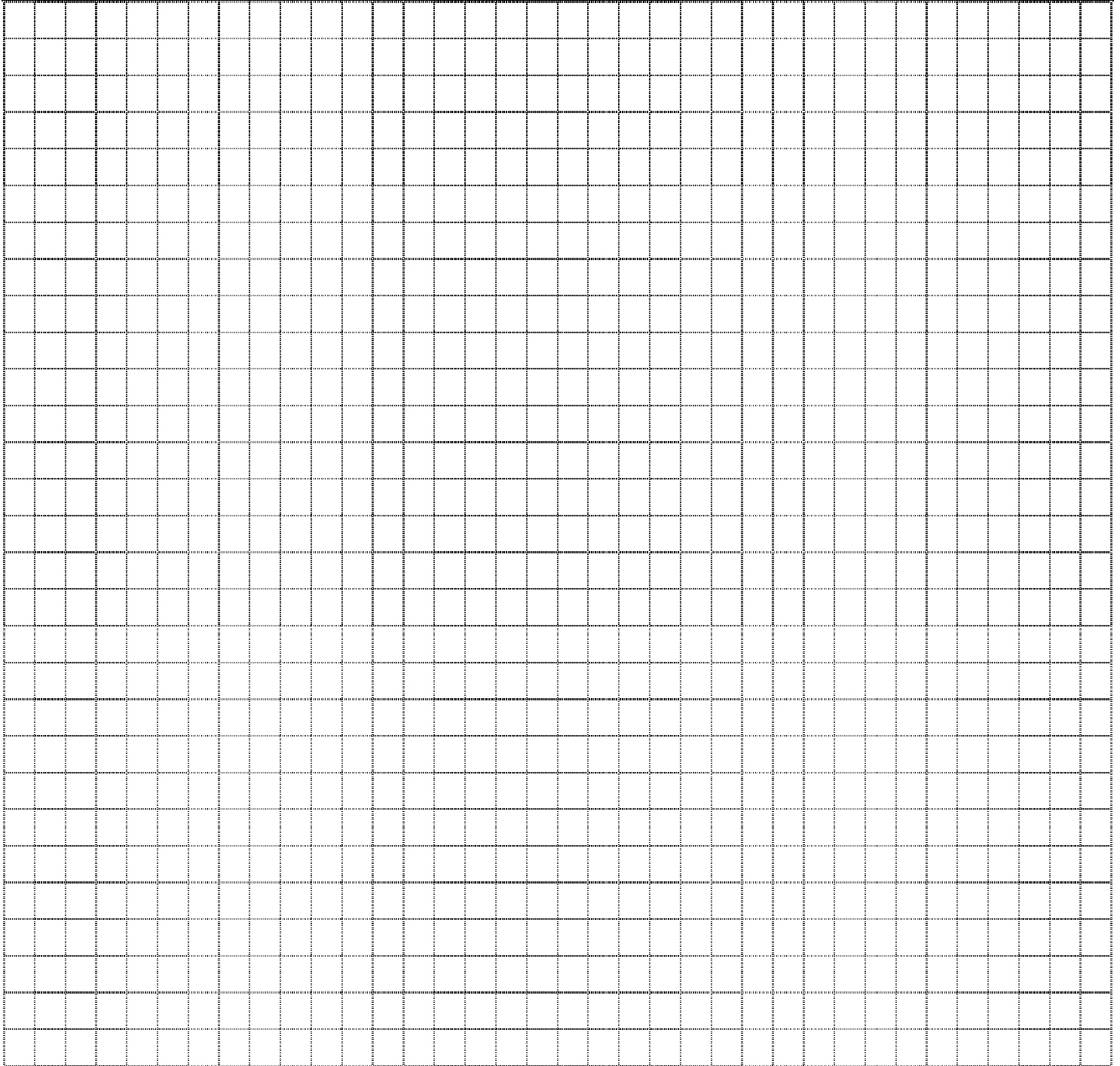
Site Plan Information

Property Owner: _____ Address: _____

Name of Preparer (if different than above): _____ Sec-Blk-Lot: _____

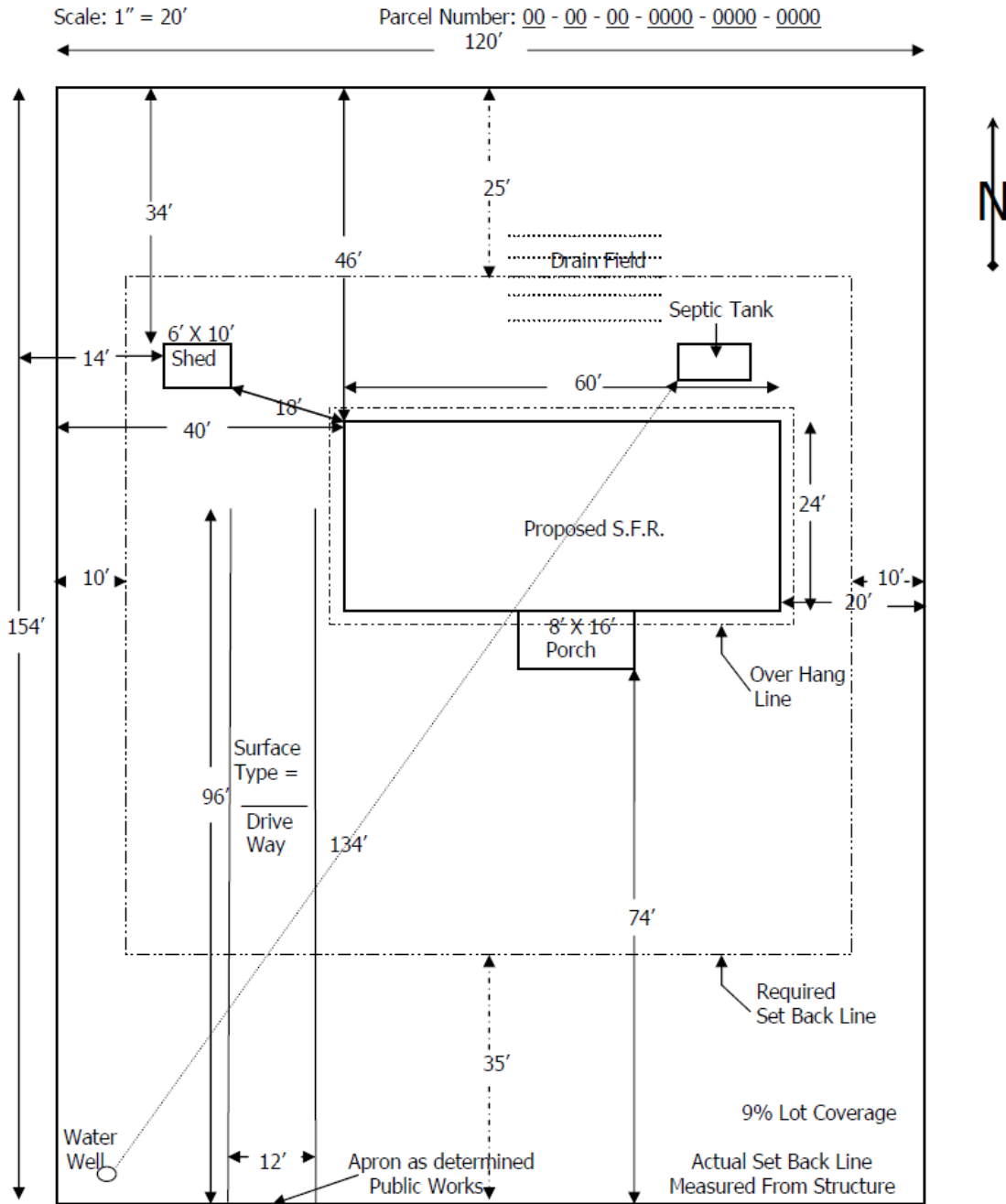
Signature of applicant or agent: _____ Date: _____

Scale _____ = _____ Tax Map No.: _____



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EXAMPLE SITE PLAN



Property Owner: John Doe

Address: 100 First Street

Name of Preparer: Jayne Doe

Zoning: R-2

THIS PLOT IS TRUE AND ACCURATE:

(Signature of Applicant or Agent) John Doe DATE: 1/1/2006



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Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

*****This form cannot be used to waive the workers' compensation rights or obligations of any party.*****

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- ☐ I am performing all the work for which the building permit was issued.
- ☐ I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- ☐ I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ◆ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR
- ◆ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

Sworn to before me this _____ day of

_____, 20____

County Clerk or Notary Public

Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.



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In addition to a local building or subdivision permit, please be aware that you may also need a separate permit from one or more of these other Agencies. Federal Agency permits may also be required for some projects, particularly if they involve wetlands. You are responsible to contact each agency about your plans. The issuance of a Town Permit does not eliminate the requirement for any additional Agency Permits or Regulations.

ADIRONDACK PARK AGENCY

Jurisdictional Inquiry Office
PO Box 99
Ray Brook, NY 12997
(518) 891-4050
www.apa.state.ny.us

APA Permits are required for:

- Construction of Dwellings
- Subdivision of Land
- Activities in or affecting wetlands
- Change in Use of certain buildings
- New or Expanded Commercial or Industrial Uses
- Shoreline Development, Disturbance or Vegetative cutting along lakes & rivers
- Towers or other structures over 40 ft
- Waste Disposal areas
- Other Activities

*You must contact the APA and ask for a
"Jurisdictional Determination"*

NYS DEPARTMENT OF HEALTH

58 Gouverneur Street
Canton, NY 13617
(315) 386-1040
www.health.state.ny.us

DOH Permits are required for:

- Realty subdivisions of five or more lots, each five acres or less in size
- Alternate septic systems
- Shared ("community") household water supplies
- Food service establishments
- Other activities

You must contact the DOH

NYS DEC

DEC Region 6 Permit Administrator
317 Washington Street
Watertown, NY 13601
(315) 785-2245
www.dec.ny.gov

DEC Permits are required for:

- Disturbance of bed or banks of Streams, Lakes, Rivers - may include Bridges, Boathouses, Shoreline Stabilization
- Large Wastewater Systems
- Floating objects in Navigable Waters
- Public Water Supplies
- Storm Water Discharge for construction sites 1 acre or larger
- Solid Waste & Hazardous Waste Disposal
- Other Activities

You must contact the DEC

US ARMY CORPS of ENGINEERS

Division of Regulatory Affairs
1776 Niagara Street
Buffalo, NY 14207
(716) 879-4330
www.lrb.usace.army.mil

- Permits for Underwater Land use

You must contact the Corps

NYS DEPARTMENT OF TRANSPORTATION

DOT Region 7
317 Washington Street
Watertown, NY 13601
(315) 785-2333
www.nysdot.gov

DOT Permits are required for:

- Work in State Highway "Right of Way" (ROWs) including new driveway access, Underground and overhead utilities
- Other Activities

You must contact the DOT

