

Port North Tackles Building Code

BY LINDA PORTNEY GOLDSTEIN

PORTWASHINGTON@ANTONMEDIAGROUP.COM

Port North has been forced to tackle a thorny issue head on. When are building permits required? Confusion about the issue came to light recently when some residents of Mill Pond Acres, a 55 and over private community in the village, were unaware that they needed building permits from the village to do renovations in their homes. The residents thought that approval from their management company was enough to proceed.

When the board of trustees realized that these residents had been misinformed, they began a campaign to inform all village residents when permits from the building department are required. Mayor Bob Weitzner stressed that requiring permits is really a matter of public safety.

"The primary purpose of any municipal building department is to ensure enforcement of all codes and regulations," he said. "I believe that doctrine is sometimes misunderstood or forgotten; replaced with the notion that its purpose is to collect fees and extend time lines."



Port North trustees as they discussed informing the public about building permits. From l: Sherman Scheff, Steve Cohen, Mayor Bob Weitzner and Matthew Kepke

The best way to resolve the confusion is to inform those applying for permits and walking them through the process.

"By managing expectations, I'm hopeful those applying and closing out their permits will have a better understanding of the process and of its importance, especially in the interests of safety," Weitzner said.

He emphasized that closing out permits is as important as taking

out the permit in the first place. If a resident has open permits on their property it could hinder the sale of the home in the future.

New York State Residential Code 1203.3 sets out the difference between "repairs," which do not require permits, and "alterations," which do require permits. Local governments are free to enact more stringent requirements.

Residents may be surprised to find changing a sink to be an "alteration" that requires a permit, while

adding a new roof over an existing roof is considered a repair and does not require a permit.

Unfortunately, local villages and municipalities are not staffed to monitor building permits at the granular level of a sink or a toilet bowl replacement, said officials from several local villages and towns, all of whom asked not to be identified for fear of running afoul of NYS code enforcement.

If you are contemplating work in your home and are in doubt about the need for a permit consult with the building department, officials said.



Port North Mayor Bob Weitzner said requiring permits is a matter of safety.



MAYOR
Robert S. Weitzner

TRUSTEES
Steve Cohen
Michael Malatino
Sherman Scheff
Matthew Kepke

CLERK
Palma Torrisi

Memorandum

To: Village of Port Washington North, Board of Trustees
From: Robert Barbach
Date: November 4, 2014 (revised November 13, 2014)
Re: When is a building permit required?

NYS Code - Title 19 (NYCRR – New York Codes, Rules & Regulations)

Section 1203.3 (a) (1) – Building permits shall be required for work which must conform to the Uniform Code.

(“...extend to the public protection from the hazards of fire and inadequate building construction.”)

“One and two-family dwellings and townhouses not more than three stories high with separate means of egress and their accessory structures...shall comply with the *Residential Code of New York State*.”

Residential Code of New York State

Repair – “The restoration to good or sound condition of any part of an existing building for the purpose of its maintenance.”

Alteration – “Any construction or renovation to an existing structure other than repair or addition.”

Alterations – Level 1 – “...the removal and replacement or the covering of existing materials, elements, equipment or fixtures using new materials, elements, equipment or fixtures that serve the same purpose, without reconfiguring space.” – must comply with fire and life-safety, structural, mechanical, plumbing and electrical code sections

Alterations – Level 2 – “...the reconfiguration of space, the addition or elimination of any door or window, the reconfiguration of or extension of any system, or the installation of any additional equipment.” - must comply with the entire code

Section 1203.2 - “Every city, village, town...charged...with administration and enforcement of the Uniform Code shall provide for such administration and enforcement by local law, ordinance or other appropriate regulation.”

Village of Port Washington North Code (Chapter 68 Administration & Enforcement of Uniform Code)

Section 68-5A - “No person, firm or corporation shall commence the erection, construction, enlargement, alteration, removal, improvement, demolition or conversion of any building or structure, or part thereof...without first filing with the Building Inspector...and obtaining a permit; except that no permit shall be required for the performance of ordinary repairs which are not structural in nature.”

Subject: RE: Small Renovations

From: "Nation, Courtney (DOS)" <Courtney.Nation@dos.ny.gov>

Date: 11/6/2014 1:34 PM

To: Superintendent of Buildings PWN <building@portwashingtonnorth.org>

Hi Bob:

I believe that such action by the trustees would violate the requirement of 19 NYCRR Section 1203.3(a) 1 which states:

(a) *Building permits.*

(1) Building permits shall be required for work which must conform to the Uniform Code. A government or agency charged with or accountable for administration and enforcement of the Uniform Code may exempt from the requirement for a permit the categories of work listed in subparagraphs (i) through (xii) of this paragraph.

Since the categories of work involved in a bathroom or kitchen renovation normally involves, plumbing, electrical and maybe even means of egress changes; such work must comport with the code's requirements and therefore require a permit. 12 specific activities are allowed by Section 1203.3(a) to be exempt from a permit requirement. You may view these at the following link:

<http://www.dos.ny.gov/DCEA/pdf/Part1203.pdf>

The State mandated program of code enforcement has three basic components beginning with a permit, followed by inspections, and concluding with a certification that the work comports with the code's requirements. One primary purpose of this program is to protect the residents of the state from the hazards of improper construction. Removing one facet of this program - by not requiring permits - removes these protections and may violate 19 NYCRR Section 1203.2(d).

If residents realize that the permit, inspection & C/O process is the state's way to record what is otherwise a private arrangement between themselves and a contractor and affords them some protection against being ripped-off they may view the process differently. Even if they don't they must understand that the law requires it.

Courtney Nation, P.E.
Regional Engineer
Department of State
Division of Building Standards and Codes
250 Veterans Memorial Highway (2A15)
Hauppauge, NY 11788

631 952-4915 (tel)

631 952-4911 (fax)

CONFIDENTIALITY STATEMENT. This email and any attachment is for the sole use of the intended recipient and may contain private, confidential and/or privileged information. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you have received this transmission in error, please notify the sender immediately by return email and delete the message and all copies and attachments from your system.

From: Superintendent of Buildings PWN [mailto:building@portwashingtonnorth.org]
Sent: Thursday, November 06, 2014 11:12 AM
To: Nation, Courtney (DOS)
Subject: Small Renovations

Hi Courtney

We have some residents questioning the need for a building permit to renovate a bathroom or kitchen. The NYS Res Code identifies these activities as alterations...not repairs...and absent reconfiguration, Level 1

local code says any improvement or alteration must obtain a permit

Question: Should the Board of Trustees (want to) determine that a building permit is not required for bathroom or kitchen renovations...would that be a violation of NYS code requirements?

Thanks

Bob

--



Robert Barbach, AIA
Superintendent of Buildings
Village of Port Washington North
3 Pleasant Avenue
Port Washington, NY 11050
Tel: (516) 883-5900 Ext 3003
Fax: (516) 883-5926



**State of New York
Department of State
Division of Code Enforcement and Administration**

One Commerce Plaza
99 Washington Avenue, Albany, New York 12231
(518) 474-4073 Fax: (518) 486-4487 www.dos.state.ny.us

Rules And Regulations - Department of State

**TITLE 19 (NYCRR)
CHAPTER XXXII - DIVISION OF CODE ENFORCEMENT AND ADMINISTRATION**

**PART 1203 - UNIFORM CODE: MINIMUM STANDARDS FOR ADMINISTRATION
AND ENFORCEMENT**

Effective January 1, 2007

This information is not the official version of the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR). No representation is made as to its accuracy, nor may it be read into evidence in New York State courts. To ensure accuracy and for evidentiary purposes, reference should be made to the official NYCRR. The official NYCRR is published by West, 610 Opperman Drive, Eagan, MN 55123, 1-800-344-5009. This document is made possible through the courtesy of the Secretary of State of the State of New York.

§1203.1 Introduction.

§1203.2 Program for administration and enforcement.

§1203.3 Minimum features of a program for administration and enforcement of the Uniform Code.

§1203.4 Program review and reporting.

§1203.1 Introduction.

Section 381 of the Executive Law directs the Secretary of State to promulgate rules and regulations for administration of the Uniform Fire Prevention and Building Code (Uniform Code). These rules and regulations are to address the nature and quality of enforcement and are the subject of this Part.

§1203.2 Program for administration and enforcement.

(a) Every city, village, town, and county, charged under subdivision 2 of section 381 of the Executive Law with administration and enforcement of the Uniform Code shall provide for such administration and enforcement by local law, ordinance or other appropriate regulation. Any such instrument or combination thereof shall include the features described in section 1203.3 of this Part.

(b) Every state agency accountable under section 1201.2(d) of this Title for administration and enforcement of the Uniform Code shall provide for such administration and enforcement in accordance with Part 1204 of this Title.

(c) Every agency accountable under section 1201.2 of this Title for administration and enforcement of the Uniform Code and not otherwise included in subdivisions (a) and (b) of this section shall provide for such administration and enforcement in regulation. Any such regulation shall include the features described in section 1203.3 of this Part.

(d) Every government or agency thereof charged with administration and enforcement of the Uniform Code shall exercise its powers in due and proper manner so as to extend to the public protection from the hazards of fire and inadequate building construction.

(e) (1) Where a government or agency charged with or accountable for administration and enforcement of the Uniform Code relies upon the contracted-for services of an individual, partnership, business corporation or similar firm for the principal part of an administration and enforcement program, it shall satisfy itself that any such provider has qualifications comparable to those of an individual who has met the requirements of Part 434 of this Title.

(2) No agreement shall be made by which building permits, certificates, orders or appearance tickets related to administration and enforcement of the Uniform Code are issued by other than public officers.

(f) The persons, offices, departments, agencies or combinations thereof authorized and responsible for administration and enforcement of the Uniform Code, or any portion thereof, shall be clearly identified.

§1203.3 Minimum features of a program for administration and enforcement of the Uniform Code.

A program for administration and enforcement of the Uniform Code shall, include all features described in subdivisions (a) through (j) of this section. A government or agency charged with or accountable for administration and enforcement of the code must provide for each of the listed features through legislation or other appropriate means.

(a) Building permits.

(1) Building permits shall be required for work which must conform to the Uniform Code. A government or agency charged with or accountable for administration and enforcement of the Uniform Code may exempt from the requirement for a permit the categories of work listed in subparagraphs (i) through (xii) of this paragraph. An exemption from the requirement to obtain a permit shall not be deemed an authorization for work to be performed in violation of the Uniform Code. The following categories of work may be excluded from the requirement for a building permit:

(i) 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 (13.88m²);

(ii) installation of swings and other playground equipment associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses);

(iii) installation of swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) where such pools are designed for a water depth of less than 24 inches and are installed entirely above ground;

(iv) installation of fences which are not part of an enclosure surrounding a swimming pool;

(v) construction of retaining walls unless such walls support a surcharge or impound Class I, II or IIIA liquids;

(vi) construction of temporary motion picture, television and theater stage sets and scenery;

(vii) installation of window awnings supported by an exterior wall of a one- or two-family

dwelling or multiple single-family dwellings (townhouses);

(viii) installation of partitions or movable cases less than 5'-9" in height;

(ix) painting, wallpapering, tiling, carpeting, or other similar finish work;

(x) installation of listed portable electrical, plumbing, heating, ventilation or cooling equipment or appliances;

(xi) replacement of any equipment provided the replacement does not alter the equipment's listing or render it inconsistent with the equipment's original specifications;

(xii) repairs, provided that such repairs do not involve:

(a) the removal or cutting away of a loadbearing wall, partition, or portion thereof, or of any structural beam or load bearing component;

(b) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress;

(c) the enlargement, alteration, replacement or relocation of any building system;

(d) the removal from service of all or part of a fire protection system for any period of time.

(2) An application for a building permit shall request sufficient information to permit a determination that the intended work accords with the requirements of the Uniform Code and shall require submission of the following information and documentation:

(i) a description of the proposed work;

(ii) the tax map number and the street address;

(iii) the occupancy classification of any affected building or structure;

(iv) where applicable, a statement of special inspections prepared in accordance with the provisions of the Uniform Code; and

(v) at least 2 sets of construction documents (drawings and/or specifications) that define the scope of the proposed work.

(3) Construction documents shall not be accepted as part of an application for a building permit unless such documents:

(i) are prepared by a New York State registered architect or licensed professional engineer where so required by the Education Law;

(ii) indicate with sufficient clarity and detail the nature and extent of the work proposed;

(iii) substantiate that the proposed work will comply with the Uniform Code and the State Energy Conservation Construction Code.

(iv) where applicable, include a site plan that shows any existing and proposed structures on the site, the location of any existing or proposed well or septic system, the location of the intended work, and the distances between the structures and the lot lines.

(4) Applications for a building permit or for an amendment thereto shall be examined to ascertain whether the proposed construction is in substantial conformance with the requirements of the Uniform



MAYOR
Robert S. Weitzner

TRUSTEES
Steve Cohen
Michael Malatino
Sherman Scheff
Matthew Kepke

CLERK
Palma Torrisi

License / Insurance Requirements

To obtain a Building Permit, the following four items must be submitted, on the forms specified, naming the Village of Port Washington North as Additional Insured and Certificate Holder
October 14, 2014

- 1. Nassau County Home Improvement License**
From the County of Nassau / Office of Consumer Affairs

Liability

- 2. Commercial General Liability – ACCORD 25 form**

Disability

- 3a. Certificate of Insurance Coverage under the NYS Disability Benefits Law – form DB 120.1**
From the State of New York Workers' Compensation Board

OR

- 3b. Certificate of Exemption – form CE-200**

Workers' Compensation

- 4. Certificate of Workers' Compensation Insurance – form U-26.3**
From the New York State Insurance Fund



Click on "*Advanced Search*" to narrow your search by profession and/or topic category. Information related to individual license applications or records is **not** available through this search.

Architecture - **Seal and Signature Not Required**

Published 02/18/2009 01:56 AM | Updated 06/11/2009 09:51 AM | Answer ID 423

When are an Architect's **Seal** and Signature not Required?

Architecture Practice Guidelines

A. Seal and Signature

3. When an Architect's Seal and Signature are not Required

Article 147, Section 7307.5 which relates to architecture reads:

"This article shall not apply to: 1. Farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes; nor to residence buildings of gross area of fifteen hundred square feet or less, not including garages, carports, porches, cellars, or uninhabitable basements or attics; or 2. Alterations, costing ten thousand dollars or less, to any building or structure within the city of New York and **twenty thousand dollars or less**, to any building or structure outside the city of New York **which do not involve changes affecting the structural safety or public safety thereof**". (As amended L.1986, c.591, §1.)

As amended, Article 145, Section 7209.7(b) which relates to Professional **Engineering** reads:

"This article shall not apply "to alterations to any building or structure costing ten thousand dollars or less which do not involve changes affecting the structural safety or public safety thereof, nor to farm buildings, including barns, sheds, poultry houses and other buildings used directly and solely for agricultural purposes; nor to residence buildings of gross floor area of fifteen hundred square feet or less, not including garages, carports, porches, cellars, or uninhabitable basements or attics".

While the intent of the language of these two sections is similar, the 1986 amendment to Section 7307.5 altered the dollar limitations and has resulted in confusion. Until the sections are amended to correct this situation the determination as to whether the seal of a licensee is needed is determined by the authority having jurisdiction.

In addressing the first portion of Section 7307.5.1 concerning farm buildings, the emphasis should be placed on "...used directly and solely for agricultural purposes;". Obviously, the residence of the farmer would not fall within this portion of the exemption, and neither would a pole barn erected for some purpose, such as picnics, rather than for agricultural purposes.

The second portion of Section 7307.5.1, dealing with residence buildings of gross area of 1500 square feet or less, is self explanatory. The critical feature of Section 7307.5.2 addressing alterations is "...which do not involve changes affecting the structural safety or public safety thereof". The dollar limitations alone do not determine whether the seal or signature of a licensee are required.

In addition to the cost, the basis for meeting the provisions of this section should be the scope and nature of the work involved, and its relationship to structural and public safety. With the intent being clear, the decision to require the seal and signature of a licensee rests with the authority having jurisdiction. While the replacement of an existing door, window, or other opening may involve revisions to existing structural members and the installation of a new door, window or other opening would require new structural members, not all such situations would necessarily warrant the services of a licensee. It would be up to the authority having jurisdiction to consider the structural safety and public safety factors of the particular situation before determining the need for a seal and signature.

While additions are not specifically addressed in Section 7307.5 they are affected by it. Should an addition to a residence building be proposed, and the total square footage, exempting those areas identified in the statutory language, of existing building and proposed addition be less than 1500 square feet, then the seal and signature of a licensee would not be required for the work.

Should the community in which the project is to be constructed have more restrictive ordinances, perhaps requiring the seal and signature of a licensee for any type of construction, then local requirements would have to be met.