



INFORMATION ON TOWN PERMITS
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Over the past six months, the Town has encountered a number of thorny and confusing construction and permit issues. As a consequence, we thought it useful to present some of the do's and don'ts of permit requests.

When Is a Permit Required & by Whom?

There are four different permit scenarios:

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Projects requiring only a County permit, both a County and Town permit, only a Town permit, or no permit.

1 - COUNTY ONLY: Utility work may require a County permit. Interior construction that impacts load-bearing supports, trusses, or walls require County permits. Neither utility nor interior work requires a Town permit.

2 - BOTH COUNTY AND TOWN PERMIT REQUIRED: The following projects require both a County and a Town permit: (1) All exterior work to houses, outbuildings, and sheds that involves load-bearing supports, trusses, or walls; (2) erecting a new building or an addition to an existing building; and (3) construction of an above-ground deck or porch.

3 - TOWN ONLY: (1) Fence replacements when the fence does not exceed 6 feet in height (New fences with gates require a County permit in order to ensure that they meet setback rules.); (2) any walkway, sidewalk, or driveway work that intrudes on the Town right-of-way, even if only a minor repair; and (3) any drainage work that redirects water onto Town sidewalks, streets, or properties.

4 - NEITHER COUNTY NOR TOWN PERMIT REQUIRED: (1) Replacement gutters, replacement windows, replacement siding; (2) new roof (as long as no support structures are involved); (3) exterior painting; and (4) cosmetic repairs not involving any of the following exceptions: landscaping (as long as it does not involve significant grading), re-grading, and/or constructing of retaining walls more than two feet in height above the ground.

Controversial Projects: The following seven projects do not fit neatly into the four categories and often generate controversy:

1 - Retaining Walls: Any retaining wall that is over 2 feet in height requires both a County and Town permit. This includes structural repairs to retaining walls, the replacement of retaining walls, and the construction of new retaining walls. If the retaining wall is 2 feet or less but will cause water to be redirected onto Town property, right-of-way, or a neighbor's property, then a Town permit is required.

2 - Driveways: If you are doing cosmetic work on your driveway, such as resurfacing, retarring, or patching a small area, no permit is required (as long as the work isn't on the Town right-of-way). For a general driveway replacement, at a minimum, a Town permit is required, and possibly a County permit as well. For a driveway expansion involving an impermeable surface of any size, both a County and Town permit are required. If you are constructing a new driveway, or shifting from pervious to impervious materials for your driveway, both permits are required.

3 - Sidewalks/Walkways: The replacement of old, or the construction of new, sidewalks or walkways on your property that exceed 500 sq. ft., or shifts from pervious to impervious materials requires both County and Town permits. If replacing or creating a new sidewalk of any size, you will require a Town permit. This is a safety check to ensure there won't be any run-off problems. For simple patching or resurfacing, no permits are required. If you are lifting up and pouring concrete or if you are working in the Town right-of-way, a Town permit is required. If you will be pouring concrete into forms, a County permit is required along with a Town permit.

4 - Steps: The County has specific requirements for steps as to both height and width. If either of these will be changed, or you are fully replacing the steps, both permits are necessary.

5 - Sheds: If the shed being installed is 150 sq. ft. or less, only a Town permit is required. Only one shed per property is allowed.

6 - Patios: If 500 sq. ft. or less, only a Town permit is required. If greater than 500 sq. ft., a County permit also is required.

7 - Decks and Porches: Replacements and new structures will require both a County and Town permit.

Projects for Which Permits CANNOT be Issued: There are five types of projects for which, by law, neither the County nor the Town can issue a permit:

1 - Projects that encroach on a neighbor's property, even if a replacement. You will

be asked to adjust your plans to ensure the project will be on your property alone.

2 - Driveways or parking "pads" may not be constructed in front of your house. This is a relatively new restriction. Properties that had driveways and parking areas in front of their house prior to the change in the law, may maintain them in place, but may not expand them.

3 - If you are constructing a new garage, a specific formula is used and there is a calculated 15' (foot) height restriction that is not variable.

4 - Outbuildings (sheds, garages, etc.) may not contain living space or be more than one story "tall." Please consult with the County and the Town for the exact interpretations and rules around these requirements.

5 - If you are going to exceed 30% of lot coverage, at a minimum, you will need a variance from both the County and the Town. If you exceed 40%, the County will most likely deny the request, and as a matter of policy, the Town will deny it as well.

Variances Required for Fences from the Town and the County: If you plan to install or replace a fence that is over 4 feet tall, a variance is required from the Town. If the proposed fence will be over 6 feet tall, you also will need a County variance. Houses not on perimeter streets (Adelphi, E-W Highway, and Route 1) are generally not granted a variance by the Town, except under special circumstances specified in the Town Code.

Stop Work Orders: These are issued for violations of the Town construction permit requirements and building code. There is a \$100 fee for all permit applications initiated by a Stop Work Order. The main problems with Stop Work Orders are inconvenience, delay, and the possible extra cost that they can cause. You can avoid Stop Work Orders with a little planning. Call the Town Hall about your project if you have any doubt. We will be glad to identify any permit requirements. DO NOT rely solely on your contractor for this information; verify their assertion. Finally, plan ahead! It can take up to two weeks to receive a Town permit, and longer for a County permit if a variance is involved.