



## **Town of Riverhead Building Department**

755 East Main Street, Riverhead, New York 11901

631) 727-3200 Ext. 213, 268, 266, 283

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Leroy E. Barnes, Jr.

*Building Department Administrator*

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*Building Inspector*

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*Electrical Inspector*

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*Inspector*

Mark Griffin  
*Inspector*

### ***REQUIREMENTS FOR SWIMMING POOL/SPA-HOT TUB PERMIT***

**\*\*Pool Permits are Valid for Four (4) Months Only\*\***

Please note that most of the following forms must be ***signed and notarized***:

- 1) Building Permit Application (signed and notarized);
- 2) Disclosure Affidavit (signed and notarized);
- 3) Swimming pool/SPA Hot Tub affidavit (Home owner **and** contractor must sign and notarize);
- 4) Electrical Application (signed and notarized);
- 5) Inspection and Certificate of Occupancy Information Sheet (Home owner **and** contractor must sign and notarize);
- 6) Three (3) surveys showing the location of project on premises including location of required fencing;
- 7) Two (2) sets of signed and sealed swimming pool plans; schematic of heater, if applicable;
  - a) Signed and Sealed plans by Engineer needed for indoor and in-ground pools.
  - b) Air test results are to be submitted to this office before the Certificate of Occupancy is issued.
  - c) Hot Tub/SPA - requires manufactures specifications as part of your permit submission.
- 8) Specifications for In-Water and door Pool Alarms;
- 9) Proof of Liability Insurance and Worker's Compensation Insurance indicating the property owner and property location;
- 10) Barrier Instructions for securing the pool area;
- 11) Fee is determined by Chapter 52 of the Construction Code, Town Code of the Town of Riverhead;
- 12) Plans and survey dimensions must comply with Chapter 52-6 (D);
- 13) Processing of the application begins when there is a fully completed application and the fee is paid;
- 14) When renewing an expired permit all pools must comply with the current pool requirements as set forth.

**REQUIREMENTS FOR SWIMMING POOLS  
CONTAINED IN THE STATE FIRE PREVENTION AND  
BUILDING CODE (THE “UNIFORM CODE”)  
(June 2008)**

**Introduction**

The State Uniform Fire Prevention and Building Code (the “Uniform Code”) is promulgated by the State Fire Prevention and Building Code Council (the “Code Council”) pursuant to Article 18 of the Executive Law. The Uniform Code includes provisions contained in Parts 1219 to 1228 of Title 19 of the *New York Code, Rules and Regulations* (the “NYCRR”) and the provisions contained in the publications that are mentioned in Parts 1220 to 1227. Those publications include the 2007 editions of the *Residential Code of New York State*, the *Building Code of New York State*, the *Plumbing Code of New York State*, the *Mechanical Code of New York State*, the *Fuel Gas Code of New York State*, the *Fire Code of New York State*, the *Property Maintenance Code of New York State*, and the *Existing Building Code of New York*.

The Uniform Code includes a number of provisions relating to swimming pools. This document is intended to summarize the requirements for swimming pools currently found in the Uniform Code. Please note that local laws regarding fencing and other safety requirements for swimming pools may be more restrictive than requirements for swimming pools contained in the Uniform Code. If you are considering the purchase of a swimming pool, you should review the Uniform Code provisions summarized in this document and, in addition, you should consult the local laws, ordinances, codes and regulations of the municipality where the pool is to be installed for any further requirements.

**\*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.

NOTE: A pool which is *capable* of containing more than 24 inches of water is a “swimming pool” (and is subject to all applicable Uniform Code provisions relating to “swimming pools”) even if the pool is filled to a depth of less than 24 inches.

**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. <sup>2</sup> 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.<sup>3</sup>

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.
- Any opening in the barrier must be small enough to prevent the passage of a 4-inch-diameter sphere through the opening
- 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.
- 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.
- 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.
- 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 standard ASTM F1346, entitled *Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs*; or

- 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.
- In the case of an above-ground pool, the pool structure itself can serve as a part of the required barrier, provided that the pool structure is sufficiently rigid to obstruct access to the pool. However, where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:
  - \*• the ladder or steps shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier which meets the requirements of the above; and;
  - when the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.
  - Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

### **Barrier Requirements: Indoor Residential Swimming Pools**

All walls surrounding an indoor residential swimming pool must comply with the above-stated requirements for building walls used as all or part of a barrier around an outdoor residential swimming pool.

### **Barrier Requirements: Public Swimming Pools**

A public swimming pool must be completely enclosed by a fence at least 4 feet in height or a screen enclosure. Openings in the fence must not permit the passage of a 4-inch diameter sphere. The fence or screen enclosure must be equipped with self-closing and self-latching gates.<sup>5</sup> See also section 302.7.2.1 of the *Property Maintenance Code of New York State*, which provides that an approved enclosure, at least 4 feet in height, must be provided around outdoor swimming pools, so that such pools are inaccessible to children. The enclosure may surround either the pool area or the property.

NOTE: The *State Sanitary Code* (10 NYCRR Chapter 1) is a regulation promulgated by the New York State Department of Health. Subpart 6-1 of the *State Sanitary Code* applies to all swimming pools *except* (1) a swimming pool “owned and/or maintained by an individual for the use of his family and friends; (2) spa pools used under medical supervision or associated with hospitals; and (3) float tank or relaxation tank used for solitary body immersion in skin-temperature salt water.” Therefore, Subpart 6-1 applies to most “public” swimming pools.

If a swimming pool is subject to the provisions of Subpart 6-1 of the *State Sanitary Code*, then;

- the pool must be enclosed within a fence or other barrier, at least four feet high, which can only be entered by bathers through self-closing and positive self-latching doors or gates;
- the knob or handle controlling the latch must be at least 40 inches above

grade;

- the gate or door must be locked, and access to pool prevented, when the pool is not supervised;
- swimming pool fences constructed after the effective date of Subpart 6-1 (March 30, 1988) must meet the requirements of the Uniform Code; and
- in the case of a swimming pool fence constructed prior to March 30, 1988, no opening shall exceed four inches.

### **Temporary Pool Enclosures**

During the installation or construction of a swimming pool, the swimming pool must be enclosed by a temporary enclosure. The temporary enclosure may consist of a temporary fence, a permanent fence, the wall of a permanent structure, any other structure, or any combination of the foregoing. However:

- all portions of the temporary enclosure must be at least four (4) feet high, and
- all components of the temporary enclosure must be sufficient to prevent access to the swimming pool by any person not engaged in the installation or construction process and to provide for the safety of all such persons.

The temporary enclosure must remain in place throughout the period of installation or construction of the swimming pool, and thereafter until the installation or construction of a permanent enclosure has been completed.

The temporary enclosure must be replaced by a permanent enclosure. The permanent enclosure must comply with all applicable “Barrier Requirements” as set forth in this document, codes or regulations applicable to swimming pool enclosures or by any local law applicable to swimming pool enclosures and in effect in the location where the swimming pool has been installed or constructed.

The permanent enclosure must be completed within ninety days after the date of issuance of the building permit for the installation or construction of the swimming pool, or the date of commencement of the installation or construction of the swimming pool, whichever is later. (If the swimming pool is installed or constructed without the issuance of a building permit, the permanent enclosure must be completed within ninety days after the date of commencement of the installation or construction of the swimming pool - note, however, that this provision does not permit the installation or construction of a pool without a building permit where such a permit is required by applicable law.) The local code enforcement official has authority to extend the 90 day period for completion of the permanent enclosure for good cause, such as a delay in construction caused by bad weather.

### **Pool Alarm Requirements**

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).

### **Entrapment Protection Requirements** 8

- Suction outlets must be designed to produce circulation throughout the pool or spa.
- Single outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise must be protected against user entrapment.
- All pool and spa suction outlets (except surface skimmers) must be provided with:
  - a cover that conforms with reference standard ASME/ANSI A112.19.8M, entitled *Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances*, or
  - a drain gate that is 12" × 12" or larger, or
  - a channel drain system approved by the local code enforcement official.
- All pool and spa single or multiple outlet circulation systems must be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. Such vacuum relief systems shall include at least one the following:
  - safety vacuum release system conforming to reference standard ASME A112.19.17, entitled *Manufacturers Safety Vacuum Release Systems (SVRS) for Residential and Commercial Swimming Pool, Spa, Hot Tub and Wading Pool*, or
  - a gravity drainage system approved by the local code enforcement official.
- Single or multiple pump circulation systems must be provided with a minimum of two (2) suction outlets of the approved type.
- The suction outlets must be separated by a minimum horizontal or vertical distance of three (3) feet.
- These suction outlets must be piped so that water is drawn through them simultaneously through a vacuum relief-protected line to the pump or pumps.
- If the pool or spa is equipped with vacuum or pressure cleaner fitting(s), each fitting must be located:
  - in an accessible position which is at least (6) inches and not greater than twelve (12) inches below the minimum operational water level, or as an attachment to the skimmer(s).

## **Town of Riverhead Swimming Pool Requirements**

### **TOWN CODE 108-59**

***\*Conflicts regarding code compliance issues exist between State and Town law, the more restrictive law applies.***

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

#### **Barriers are to be installed prior to adding water to the pool**

Every outdoor swimming pool shall be completely surrounded by a fence which shall comply with the following:

1. Fences shall be at least forty eight (48) inches in height with a maximum vertical clearance to grade of two (2) inches.
2. The finished side of the fencing shall face away from the pool.
3. Where a picket-type fence is provided, horizontal openings between pickets shall not exceed four (4) inches. Height shall be measured vertically from the lowest horizontal support to the top of the pickets.
4. Where a chain-link fence is provided, the openings between links shall not exceed two and one-quarter inches (2 ¼") Slat fence openings to be no more than one and three-quarter inches (1 ¾")
5. Enclosure shall be constructed so as not to provide footholds.
6. Pickets and chain-link twists shall extend to above the upper horizontal bar.
7. 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 of twelve (12) inch squares, without failure or permanent deformation.
8. A wall or a dwelling is permitted to serve as part of the enclosure under the following conditions:
  - a) Windows in the wall shall have a latching devise at least forty (40) inches above the floor.
  - b) A swinging door in the wall shall be self-closing and self-latching.
  - c) A sliding door in the wall shall have a self-latching devise.
  - d) Gates provided in the enclosure shall be self-closing and self-latching with the latch handle located at least 54 inches above grade on the outside of the fence or forty-five inches (45") from grade on the inside of the fence, and 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. A pool less than 18 inches deep is exempt from the requirements of subsection A.
    - B. Above-ground pools with at least 46 inches between pool decking or pool top and adjoining grade are exempt from the requirements of section 720.1 of this Part provided that their access ladder or steps must be permanent with a four foot (4) fence and self-latching gate and lock.

***In the event that an owner shall abandon an outdoor swimming pool, he shall so notify the Building Inspector, and shall forthwith fill all voids and depressions and restore the premises to the same grade and condition as before the swimming pool was constructed and shall accordingly notify the Building Inspector when restoration work has been completed.***



# APPLICATION FOR BUILDING & ZONING PERMIT

Town of Riverhead  
Suffolk County, New York

Tax Map # \_\_\_\_\_  
Section Block Lot

Application No. \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Permit No. \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_

Permit Expires: \_\_\_\_/\_\_\_\_/\_\_\_\_ Zoning District: \_\_\_\_\_ Disapproved Zoning: \_\_\_\_\_

Approved By: \_\_\_\_\_ Building Fee: \$ \_\_\_\_\_ Electrical Fee: \$ \_\_\_\_\_ Receipt: \_\_\_\_\_

All information BELOW to be filled out by APPLICANT: A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK. This Application is to be submitted ACCOMPANIED by BUILDING PLANS DRAWN TO SCALE IN DUPLICATE, showing elevations, floor plans, run and size of joists, rafters, girders, details of footings and foundation, schematic of plumbing and electrical layouts and grade and species of lumber and quality of all material where applicable.

THE OWNER OF THE PROPERTY IS: (PLEASE PRINT CLEARLY)

First name Last name Business Name

Street No. Street Name Hamlet

Property Location of Proposed Work

( ) - ( ) - ( ) -  
Phone Contact Fax Number Cellular Number

Street No. Street Name Town State Zip

Mailing Address (if different from property location):

The person responsible for the supervision of the work insofar as the Building Code and the Zoning Ordinance apply is: CONTACT PERSON (if different from owner)

First name Last name

Street No. Street Name Town State Zip

( ) - ( ) - ( ) -  
Phone Number Fax Number Cellular Number

- Residential Est. of Value \$ \_\_\_\_\_
- Commercial Est. of Value \$ \_\_\_\_\_
- Accessory Structure \_\_\_\_\_ (describe)
- Addition
- Alteration
- Condo
- Deck
- Bulkhead / Dock
- Miscellaneous \_\_\_\_\_ (Describe)
- \_\_\_\_\_ Car Attached / Detached Garage
- Mobile/Modular Home
- Demolition
- Single Family Residence
- New Commercial Structure
- Swimming Pool
- Excavation/Land Clearing: Approx. \_\_\_\_\_ cubic yards to be removed.
- Agriculture Worker Housing
- Use Permit \_\_\_\_\_ (describe)

Pool Specifications (if applicable)

- In-Ground  Above Ground  Hot Tub / SPA
- Pool Heater  Propane  Natural Gas  Oil Fired

# APPLICATION FOR BUILDING & ZONING PERMIT

Tax Map # \_\_\_\_\_  
Section Block Lot

Please Describe Project and/or Special Conditions:

ZONING SPECIFICATIONS. Fill in for new building, or addition to existing building or a change of occupancy. Indicate on the PLOT PLAN IN TRIPPLICATE, street names, the location and size of the property, the location, size and setbacks of proposed buildings and the location of all existing building. Show proposed building(s) in dotted line and existing building(s) in solid line.

Proposed building \_\_\_\_\_ sq.ft.

Second (2nd) Floor \_\_\_\_\_ sq.ft.

Size of proposed addition \_\_\_\_\_ sq.ft.

Garage \_\_\_\_\_ sq.ft.

Ground floor \_\_\_\_\_ sq.ft.

Height (from grade to ridge) \_\_\_\_\_ ft.

No#. of Bedrooms \_\_\_\_\_

Impervious Surface \_\_\_\_\_ %

**Electrician:**

\_\_\_\_\_  
Company Name License #

\_\_\_\_\_  
Street No. Street Name Town State Zip

**Plumber:**

\_\_\_\_\_  
Company Name License #

\_\_\_\_\_  
Street No. Street Name Town State Zip

**Home Imp:**

\_\_\_\_\_  
Company Name License #

\_\_\_\_\_  
Street No. Street Name Town State Zip

Note: All distances are net, as measured from property line to nearest part of building.

**All work must be in compliance with the New York State Fire Prevention & Building Construction**

## AFFIDAVIT

Town of Riverhead)  
County of Suffolk) s.s.  
State of New York)

I swear that to the best of my knowledge and belief the statements contained in this application, together with the plans and specifications submitted, are true and complete statements of proposed work to be done on the described premises and that all provisions of the BUILDING CODE, THE ZONING ORDINANCE, and all other laws pertaining to the proposed work shall be complied with, whether specified or not, and that such work and inspections are authorized by the owner.

Sworn to me before this \_\_\_\_\_ day Signature \_\_\_\_\_  
of \_\_\_\_\_, \_\_\_\_\_ Owner's Agent, Architect

\_\_\_\_\_  
Notary Public, Suffolk County, New York)

**Read this document carefully.  
You may consult your attorney before completing.**

**Disclosure Affidavit**

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

I, \_\_\_\_\_ an applicant  
for  
the following relief: \_\_\_\_\_ and being  
duly

(Type of Permit)

sworn, deposes and says:

That I make and complete this affidavit under the penalty of perjury and swear to the truth thereof.

That I understand that this affidavit is required by Section 809 of the General Municipal Law and that a  
knowing failure to provide true information is punishable as a misdemeanor. Being so warned, I state:

That \_\_\_\_\_ is a State Officer, is an officer or employee of  
Riverhead

(Name of Relative)

Town, and:

***Check here if not applicable (i.e., you have no relative working for the Town of Riverhead.)  
and please sign below before a notary public.***

**That this person has an interest in the person, partnership or association requesting the above stated relief.**

That for the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant  
where he, his spouse, or their brothers, sisters, parents, children, grandchildren or the spouse of any of them.

- a. is an applicant,
- b. is an officer, director, partner or employee of the applicant,
- c. legally or beneficially owns or controls stock of a corporate applicant or is a member of a  
partnership or association, applicant, or
- d. is a party to an agreement with such an application, express or implied whereby he may receive any  
payment or other benefit, whether or not for services rendered, dependant or contingent upon the  
favorable approval of such application, petition or request.
- e. That ownership of less than five (5) per cent of the stock of a corporation whose stock is listed on  
the New York or American Stock Exchange shall not constitute an interest for the purpose of this  
section.

\_\_\_\_\_  
(Signature)

Sworn to before me this \_\_\_\_\_ day

of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public



Town of Riverhead  
**Building Department**  
 755 East Main Street  
 Riverhead, New York 11901-2596  
 (631) 727-3200  
 Ext. 213, 268, 266, 283

## Swimming Pool/Spa Hot-Tub Affidavit

I, \_\_\_\_\_, and \_\_\_\_\_ hereby agree that I am the individual/company/owner responsible for the supervision of the work in accordance with the approved building permit for construction of a swimming pool/and or installation of a SPA-Hot Tub (outdoor or indoor).

I hereby acknowledge that I have reviewed the pertinent provisions of the Town Code of the Town of Riverhead and The New York State Uniform Fire Prevention and Building Code.

I hereby agree that I am responsible for all inspections including, the pool wall inspection, the electrical trench and rough electrical inspection, the final construction of the pool and the final electrical inspection of the pool work/and or the electrical work preformed for the SPA-Hot Tub.

I hereby agree that I am responsible for the installation of adequate fencing during all phases of construction to prevent accidental entry and unauthorized use of the pool or SPA-Hot Tub.

I further agree that upon completion of the final inspection or within a reasonable time thereafter not to exceed 30 days I shall make application for and complete all requirements to obtain the Certificate of Occupancy or Certificate of Compliance. I understand that I will not be issued a Certificate of Occupancy or Certificate of Compliance unless and until all required work is completed in accordance with the New York State Uniform Fire Prevention and Building Code.

Location of Property: \_\_\_\_\_

S.C. Tax Map # 600- \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
 (Notary Public)

\_\_\_\_\_  
 (Signature of Owner)

Dated: \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
 (Notary Public)

\_\_\_\_\_  
 (Signature of Agent/Contractor)

**Town of Riverhead**  
**Building Department**  
755 East Main Street  
Riverhead, New York 11901  
(631) 727-3200 EXT. 213, 268, 266, 283

ZB NO. \_\_\_\_\_ TM# \_\_\_\_\_ 4 MONTH XP. \_\_\_\_\_

**Inspection and Certificate of Occupancy Information Sheet:**

The pool must be completed and a Certificate of Occupancy shall be applied for within four (4) months of the issuance of the permit.

**The following inspections are required:** (All inspections must be scheduled 72 hours prior to the requested inspection).

1<sup>st</sup> Inspection: Pool walls must be inspected before backfilling.

***All Barriers, Temporary or Permanent Must Be Installed Prior To Adding Water  
(Temporary barriers must be approved by the Building Inspector prior to installation).***

All SPA-Hot Tubs must comply with ASTM F 1346  
For Gunite Pools, an inspection is required for rebar and framing prior to spraying.

2<sup>nd</sup> Inspection: Inspection of trench-submersed wiring and Pool/SPA bonding is required. Please contact the Town of Riverhead Town Electrical Inspector for details at ext. 213.

3<sup>rd</sup> Inspection: Final Inspection (electric, fence, doors/gates that are self latching, self closing devices and all applicable alarms)

**After the required inspections are made, It is the obligation of the below person(s) to apply for a Certificate Occupancy and/or Compliance. The following documents are required:**

A Final Survey by a licensed surveyor when applicable; (if approved by Zoning Board of Appeals)  
A Certificate of Compliance approving the electrical work performed (issued by the Town of Riverhead).

All debris during construction must be removed from the property. No debris is to be buried and the owner/contractor is responsible for all drainage and flooding issues as provided by Section 52-6 (1) of the Town Code.

\_\_\_\_\_  
Owner's signature

And

\_\_\_\_\_  
Contractor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**LAWS OF NEW YORK, 1998**  
**CHAPTER 439**

The **general municipal law is amended by adding a new section 125** to read as follows:

125. ISSUANCE OF BUILDING PERMITS. NO CITY, TOWN OR VILLAGE SHALL ISSUE A BUILDING PERMIT WITHOUT OBTAINING FROM THE PERMIT APPLICANT EITHER:

1. PROOF DULY SUBSCRIBED THAT WORKERS' COMPENSATION INSURANCE AND DISABILITY BENEFITS COVERAGE ISSUED BY AN INSURANCE CARRIER IN A FORM SATISFACTORY TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS PROVIDED FOR IN SECTION FIFTY-SEVEN OF THE WORKERS' COMPENSATION LAW IS EFFECTIVE; OR

2. AN AFFIDAVIT THAT SUCH PERMIT APPLICANT HAS NOT ENGAGED AN EMPLOYER OR ANY EMPLOYEES AS THOSE TERMS ARE DEFINED IN SECTION TWO OF THE WORKERS' COMPENSATION LAW TO PERFORM WORK RELATING TO SUCH BUILDING PERMIT.

**Implementing Section 125 of the General Municipal Law**

**1. General Contractors -- Business Owners and Certain Homeowners**

For **businesses and certain homeowners listed as the general contractors on building permits**, proof that they are in compliance with Section 57 of the Workers' Compensation Law (WCL) is **ONE** of the following forms that indicate that they are:

- ◆ insured (C-105.2 or U-26.3),
- ◆ a Board-approved self-insured employer (SI-12), or
- ◆ are exempt (WC/DB-100),

under the mandatory coverage provisions of the WCL. Any residence that is not a **1, 2, 3 or 4 Family, Owner-occupied Residence** is considered a business (income or potential income property) and must prove compliance by filing one of the above forms.

**2. Owner-occupied Residences**

For homeowners of a **1, 2, 3 or 4 Family, Owner-occupied Residence**, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file Form BP-1.

◆ Form BP-1 shall be filed if the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is listed as the general contractor on the building permit, and the homeowner:

- ◇ is performing all the work for which the building permit was issued him/herself,
- ◇ is 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 the homeowner perform such work, or
- ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.

◆ If the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is hiring or paying individuals a total of **40 hours or MORE** in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" Form BP-1, but shall 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 (Form C-105.2 or Form U-26.3), 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, 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.

BP-1 (9-07) Reverse [www.wcb.state.ny.us](http://www.wcb.state.ny.us)

ZB# \_\_\_\_\_

TAX MAP# \_\_\_\_\_

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

**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 indicated on the building permit myself.

I am not hiring, paying or compensating in any way, the individual(s) that is (are) performing all the work indicated on the building permit or helping me perform such work.

I have 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, for all workers, per week for the work indicated on the building permit.

I also agree to either;

 acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on form 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

 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 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)

Property Address: \_\_\_\_\_

Home Number: \_\_\_\_\_

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
\_\_\_\_\_  
Notary Public

SCTM# \_\_\_\_\_

ZB# \_\_\_\_\_

### Application for Electrical Inspection

#### Town of Riverhead

(631) 727-3200 EXT. 213, 268, 266, 283

Fax (631) 208-8039

Owner of Property: \_\_\_\_\_ Phone No. \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Name of Contractor responsible for electrical installation: \_\_\_\_\_ *Electrical License No.* \_\_\_\_\_

Business Name in full: \_\_\_\_\_ Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Cell No. \_\_\_\_\_

Location of Job: \_\_\_\_\_ Hamlet: \_\_\_\_\_

State use of premises:  Residential  Commercial

Nature of Work: \_\_\_\_\_

Exposed  Concealed  New  Old  Area of proposed construction in total square feet: \_\_\_\_\_

Service Information:

Temp Requested

Size of Mains: \_\_\_\_\_ Feeders: \_\_\_\_\_

Service Enters Building:  Overhead  Underground

Application fees are made payable to the Town of Riverhead Fee: \_\_\_\_\_ Type Code: \_\_\_\_\_

APPLICATION IS HEREBY MADE to the Building Department as per Chapter 52 of the Code of the Town of Riverhead.

STATE OF NEW YORK COUNTY OF SUFFOLK

\_\_\_\_\_ being duly sworn deposes and says that he/she is the applicant above named.

He/She is the \_\_\_\_\_ of said owner or owners, and is duly authorized to perform or have performed the said work and file this application: that all statements contained in this application are true to the best of his/her knowledge and belief: and that all work will be performed in the manner set forth in this application and in the plans and specifications filed herewith.

Sworn to before me this \_\_\_\_\_ day

Of \_\_\_\_\_ 20\_\_\_\_\_

Signature of Electrician \_\_\_\_\_

Notary Public \_\_\_\_\_

Request Date:	Inspection	Remarks: