

BUILDING PERMIT INSTRUCTIONS

Town of Danby

Do I need a permit? Per Town Law #1 of 2007, building permits are required for any work that must “conform to the Uniform Code and or the Energy Code, including but not limited to: the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid fuel burning heating appliance, chimney or flue in any dwelling unit.” We also require permits for solar or wind electricity-generating installations.

The most common exceptions to the permit requirement include:

- One-story detached structures associated with a one- or two-family dwelling or multiple single-family dwellings which are used for tool and storage sheds, playhouses or similar uses, provided the gross floor area doesn't exceed 144 square feet;
- Swings or playground equipment;
- Above-ground swimming pools less than 24” deep;
- Fences not part of a swimming pool enclosure;
- Repairs that do not affect structural elements or means of egress;

(A complete list of exceptions is in the town law referenced above, and is available on the town website: www.town.danby.ny.us .)

What do I need in order to get a permit?

- Completed **Application for Building Permit**
- **Site Plan** (see below)
- **Construction Plans** depicting work to be performed (see below)
- **Septic Permit** from Tompkins County Health Department
 - The addition of any bedrooms to the total number being served by the septic system requires permission from the health department.
- **NYS Energy Compliance Statement** (Res Check or similar)
- **Workers' Compensation Insurance or Exemption** (see below for complete instructions)
- **Agricultural Activity Notice**, signed by the property owner
- **Permit Fee** (as determined by our office) made payable to **Town of Danby**
- Asbestos survey (for demolition projects)

In addition, **prior** to commencement of work, a satisfactory address sign is required. The sign must be visible from the road in both directions and the numbers must be at least 4” high and contrast with the background color of the sign. Reflective signs are ideal and can be purchased from the Danby Fire Department for \$12 (order forms available in our office.) These signs make it much easier for our local first responders to find the house in an emergency.

How long does it take to get a permit? Generally, if the permit application package is **complete** and if no special zoning review is required, we can issue the permit within a day or two. However, complicated projects involving extensive plan review may take longer.

Site Plan

This is a survey map or plot plan layout showing locations of proposed new buildings and specifying distances from property lines. Plan does not need to be to scale, but all the relevant distances need to be marked. A north arrow should be shown indicating compass direction.

Construction Plans

These are the drawn plans and written specifications detailing the scope of work, materials, methods of construction, structural details, etc. These must be stamped by a licensed architect or engineer, with the following exceptions:

- Construction of a single- or two-family dwelling of 1500 square feet or less, excluding garages, unfinished basements or attics, porches, decks, or cellars, OR
- Alterations to any building or structure wherein the project cost is less than \$20,000 **and** which do not involve changes affecting the structural integrity or public safety thereof.

Typical sets of plans may include:

- Foundation plans, showing: dimensions of footers, walls and slabs; method and materials of reinforcement; depth below grade; foundation drainage anchoring details; vapor barriers.
- Framing plans, showing: dimensions and spacing of joists, studs, rafters, beams, girders, posts, etc.; sheathing thickness and types; fastening schedules; header dimensions; other details as necessary;
- Insulation details for walls, ceilings, floors, etc.;
- Heating appliance locations and specifications;
- Plumbing fixture locations and specifications;
- Stair details, showing tread and riser dimensions, handrail details, under-stair protection, etc.;
- Floor plans, showing: room layout and dimensions; intended usage of rooms; window schedule including clear opening dimensions and glass area; smoke detector and CO detector layout; details of fire separations as needed;
- Elevations depicting all sides of the building.

Additional documentation may include specifications from the architect regarding standard or specific construction methods and materials. The use of manufactured trusses requires that the stamped certificate from the truss engineer be provided to our office when available (usually during construction.)

In general, the more detail you provide, the better.

Workers' Compensation Insurance Requirement

[For complete information and access to the Employers' Handbook, see the Workers' Compensation Board website, www.wcb.ny.gov/ or call them at (877) 632-4996.]

By law, we are unable to issue building permits without proof of coverage OR of exemption from the requirement to have it. It is the responsibility of the permit holder, in most cases the general contractor, to provide workers' compensation insurance to cover all workers on site or to certify that they are exempt from this requirement. One of the following forms must be included with the permit application:

1. CE-200 -- Certificate of Exemption;
2. C-105.2 -- Certificate of Workers' Compensation Insurance;
3. SI-12 -- Certificate of Workers' Compensation Self-Insurance;
4. Letter from the NYS Department of Civil Service indicating that the applicant is a New York State government agency covered for workers' compensation;
5. BP-1 – Affidavit of Exemption (for homeowners only.)

Homeowners

In the case of minor renovations in an owner-occupied house where the owner intends to do all the work themselves, or where no one else is being paid or compensated in any way for work performed, a form BP-1 can be filed with the building permit application. This form exempts the permit holder from obtaining and proving workers' compensation coverage and shows the reason for the exemption. The form can be downloaded from the Workers' Compensation Board (WCB) website.

Homeowners who take out a building permit AND intend to hire subcontractors for any part of the work to be performed are considered to be general contractors and then are required to carry a workers' compensation policy that covers all the subs, regardless of whether the subs themselves carry a policy, just as is the case with all general contractors. This coverage protects the homeowner and the municipality in the event that any given subcontractor's policy lapses or that there is a gap in coverage for any of the workers on the site, for any reason.

Most home insurance policies carry a "Workers' Compensation Rider", designed to cover incidental work performed on their home by hired contractors as long as the aggregate number of worker-hours per week doesn't exceed 40 hours. For example, 4 workers who each work for 8 hours in one week (32 hours total) would be covered, but if they worked 11 hours each (44 hours total) they would exceed the limit and therefore not be covered by this rider.

Note that construction of a new home is never covered by the homeowner's workers' compensation insurance rider. A new home has not yet received a certificate of occupancy (CO), therefore it is not owner-occupied and is not covered by the rider.

Contractor Coverage Requirement

One thing that takes many contractors by surprise is the requirement from the WCB that they carry a WC policy that covers all the subs on site, **even if those subs have their own coverage.** The state has narrowly defined what an Independent Contractor is and broadly defined what an Employer is.

The effect of this is that subcontractors on a project, even those engaged in a different trade and legitimately established as their own company, are considered to be employees of the Builder, the General Contractor, or whoever took out the building permit, and therefore **must** be covered under that entity's policy.¹

Background

In August of 2010, the New York State Construction Industry Fair Play Act was signed into law. This law amended existing laws to establish a presumption of employment in the construction industry and to clarify the difference between an "Independent Contractor" and an "Employee." A list of three criteria and a 12-part test are used to determine which label applies to any given person working in construction. These are available at the WCB website.

According to the Employers' Handbook from the WCB, there are only very limited situations where for-profit businesses are exempt from providing workers' compensation coverage, including:

1. The business is owned by one individual with no employees, no leased employees, no borrowed employees, no part-time employees, no unpaid volunteers (**including family members**) and **no subcontractors** and is not a corporation; OR
2. The business is a partnership under the laws of New York State, and there are no employees, no leased employees, no borrowed employees, no part-time employees, no unpaid volunteers (including family members) and no subcontractors; OR
3. The business is a one-or-two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation and there are no employees, no leased employees, no borrowed employees, no part-time employees, no unpaid volunteers (including family members) and no subcontractors. Specifically, if two people own the corporation, each person must own at least one share of stock and between them own all the shares of stock in the corporation. In addition, they both must be corporate officers and between the two of them hold all the offices of the corporation.

Most builders choose to go through the NY State Insurance Fund to acquire the needed coverage, although it is an option to be an approved self-insured employer or to participate in an authorized group self-insurance plan; however these are generally more expensive. Coverage from the NYSIF can be obtained via an online form at the WCB website.

¹ The builder may still require that the subs have their own WC coverage as this will make their own policy less expensive; this is not required by our office, nor do we need to see proof of the subs' policies.