

Town of Niles
5923 New Hope Road
Moravia, New York 13118

J. Patrick Doyle
Code Enforcement Officer
Email: codes@townofnilesny.gov

Office Phone: 315-497-0066

Fax: 315-497-9952

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Application No. _____

Date: _____

Fee: \$ _____

Application for Building/Setback/Lot Area Permit
(Not a Permit)

IMPORTANT INSTRUCTIONS, PLEASE READ CAREFULLY.

1. Application must be complete. Please type or clearly print in ink all necessary information.
2. Completed Application must be submitted to the Town of Niles Clerk before review process can begin.
3. Application must be supported with the following documents:

MINOR PROJECT:

- A. Plot plan/survey (see attached sample at the end of this document)
- B. Sketch of project and/or specifications/materials list.

MAJOR PROJECT:

- A. Three (3) copies of plot plan/survey signed
- B. Three (3) copies of design drawings signed and sealed by a licensed architect or licensed professional engineer.
- C. One (1) copy of approval from developer, if in Planned Development District.

PLEASE COMPLETE:

Location of property: _____
(Street or Firelane No., Lot No., Nearest Road)

Tax Map No.: _____

Name of Owner: _____

Address: _____

Phone, Email _____
(Phone) (Cell) (Email)

Application for Building/Setback/Lot Area Permit (continued)

A. PROJECT CONTACTS:

Builder (If self, so indicate) _____

Address _____

Phone / Cell / Email _____

Architect or Engineer _____

Address _____

Phone / Cell / Email _____

B. NATURE OF WORK (CHECK ALL APPROPRIATE CATEGORIES BELOW):

Existing Structure(s)

1. Repair (structural) _____

2. Addition _____

3. Alteration _____

4. Removal _____

5. Demolition _____

6. Other (specify) _____

New Structure(s)

1. Single Family _____

2. Accessory Buildings:

Garage: _____ Attached _____ Detached

Shed _____

3. Two Family _____

4. Deck: _____ Covered _____ Open _____

5. Swimming Pool: Above _____ Below _____

6. Other (specify) _____

C. PRINCIPAL CONSTRUCTION MATERIAL TO BE USED:

1. Wood _____

2. Brick _____

3. Block _____

4. Other (Specify) _____

D. TYPE OF FOUNDATION:

1. Cellar _____

2. Slab _____

5. Other (Specify) _____

3. Basement _____

4. Crawlspace _____

E. COMPLETE THE FOLLOWING:

1. Water Source: Public _____ Private Well _____ Other _____

2. Sewage: Public _____ Private* _____ None _____

* If private, has sewage disposal permit been applied for Yes ___ No ___

3. Will the project involve plumbing? Yes _____ No _____

4. Will the project involve H.V.A.C.? Yes _____ No _____

5. Will the project involve electrical ? Yes _____ No _____

F. COST OF THIS PROJECT: (all labor* and materials) \$ _____

* estimate your labor, if applicable.

Application for Building/Setback/Lot Area Permit (continued)

G. ZONING DISTRICT OF PROPERTY (Circle One)

1. Residential 2. Agricultural/Residential 3. Lakeshore

H. PRINCIPAL USE OF PRESENT STRUCTURE(S) AND/OR LAND (Circle One)

1. Residential 2. Agricultural/Residential 3. Lakeshore
4. Other (Specify) _____

I. PRINCIPAL USE OF THIS PROPOSED PROJECT. (Describe) _____

J. DIMENSIONS OF TOTAL PROPERTY (If applicable)

Lot size: Length _____ (X) Width _____ (=) Total sq. ft. _____
Existing Buildings:
Length _____ (X) Width _____ (=) sq. ft. _____
Length _____ (X) Width _____ (=) sq. ft. _____
Length _____ (X) Width _____ (=) sq. ft. _____

Total square footage – Existing buildings _____

K. DIMENSIONS OF PROPOSED PROJECT (If applicable)

Length _____ (X) Width _____ (=) Total sq. ft. _____
Height _____ Number of stories _____

L. PROPERTY LINE SETBACKS OF PROPOSED PROJECT. (If applicable)

Front lot line setback _____ ft. Side lot line setback _____ ft.
Rear lot line setback _____ ft. Side lot line setback _____ ft.

M. ENCLOSED LIVING AREA. (If applicable) Total sq. Ft. _____

GENERAL INFORMATION PERTAINING TO THIS APPLICATION

This application will be reviewed by the Code Enforcement Officer and/or the Town Consulting Engineer. If disapproved, a letter of denial explaining reason(s) for denial will be issued to applicant. If approved, a BUILDING/SETBACK/LOT AREA PERMIT will be issued to the Applicant.

Work covered by this APPLICATION shall not commence prior to the issuance of a PERMIT. The PERMIT shall be valid for a period of twelve (12) months from the date of issuance. Construction under the PERMIT must be substantially complete within twelve (12) months or an extension must be obtained from the Code Enforcement Officer. A NOTICE OF PERMIT (issued by the Town) must be kept on the premises, publicly visible, throughout the progress of work.

Application for Building/Setback/Lot Area Permit (continued)

This project may involve work requiring approval of various outside agencies. Certain outside agency approvals may be required prior to the issuance of a Permit. Final approval of all agencies involved must be submitted to the Code Enforcement Officer prior to the issuance of a Certificate of Occupancy or Compliance. Examples, not limited to the following, would be:

<u>Project Involvement</u>	<u>Agency</u>
1. Land division, Site Plan Review, SEQR, etc.	Niles Planning Board
2. Setback/lot area matters, SEQR	Niles Board of Appeals
3. NYS Roads	NYS Department of Transportation
4. Floodplains, Wetlands	NYS Department of Environmental Conservation
5. Streams, Lakes, Creeks, etc.	US Army Corps of Engineers
6. Skaneateles Lake	City of Syracuse, Cayuga County Health Department
7. Owasco Lake	Cayuga County Health Department
8. Private Septic System	Cayuga County Health Department

Application for a CERTIFICATE OF OCCUPANCY OR COMPLIANCE is made concurrently with this filing. It is the responsibility of the owner or authorized agent to notify the Code Enforcement Officer when the project is completed to obtain a Certificate of Occupancy or Compliance.

The Town Code Enforcement Officer and/or Building Inspector, upon the display of proper credentials and in the discharge of his duties, shall be permitted to enter upon the premises covered by this application with out interference, for the purposes of inspecting, during normal working hours.

No person shall make any changes to the plans herewith submitted or of the specifications herein contained in the structural part of the project without the written consent of the Code Enforcement Officer.

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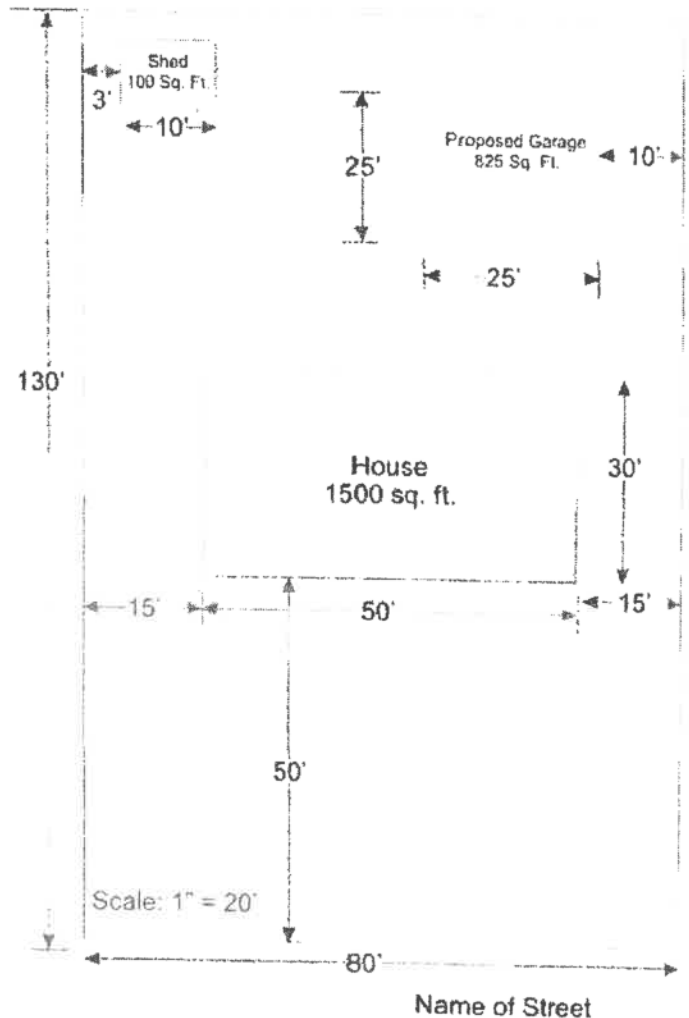
I certify that the answers to the questions set forth in this APPLICATION are true, correct and complete. Additionally, I agree that, in the event the PERMIT is approved, to comply with the provisions of all State of New York and Federal Government laws, rules and regulations, as they pertain this APPLICATION.

Signature: _____
(Owner or authorized agent)

PLOT PLAN SHOULD CONTAIN:

- A. Name of Owner.
- B. Address of Property.
- C. Tax Map No.
- D. Dimensions of lot to scale.
Indicate north per compass.
- E. Draw existing structures on lot to scale.
Draw with solid lines.
- F. Draw proposed structures to scale.
Draw with dotted lines.
- G. Indicate square footage of all structures.
- H. Distance from all structures to lot lines.
- I. Identification of adjoining property.
i.e., Street, Lake, Neighbors by name.

SAMPLE PLOT PLAN



NOTE: THE ABOVE IS A SAMPLE PLOT PLAN AND SETBACKS SHOWN MAY NOT COMPLY WITH CURRENT SETBACKS. SEE NEXT PAGE – SECTION 164-8. BUILDING SETBACK LINES OF THE CODE OF THE TOWN OF NILES – FOR MINIMUM SETBACK REQUIREMENTS.

Contact J. Patrick Doyle, Code Enforcement Officer, with any questions regarding setbacks.

Town of Niles, NY

Chapter 164. Setbacks and Lot Area

§ 164-8. Building setback lines.

- A. All buildings hereafter constructed in the town shall be set back a minimum distance of 75 feet from the center line of any public or private right-of-way, except buildings constructed on lots with frontage on Owasco Lake or Skaneateles Lake. Buildings constructed on lakefront lots shall be set back a minimum of 25 feet from the lake mean high-water mark and 25 feet from the center line of a public or private right-of-way.
- B. No building shall be closer than 25 feet to an adjacent side property line or rear property line except buildings on lots with lake frontage, which shall be set back a minimum of 15 feet. The rear property line shall be the point of the lot farthest from and most parallel to the frontage required by § 164-7 of this chapter.
[Amended 9-6-1990 by L.L. No. 1-1990]
- C. Roadside stands, bus shelters and garbage shelters, as defined, shall be exempt from the seventy-five-foot road setback requirement, provided they are actively in use for their designed purpose. Any of the above structures of which the permitted use has been discontinued for more than 90 days must be moved no less than 75 feet back from the center of the highway. Any time a portable structure has not been open for three or more consecutive business days it shall be presumed that its use has been discontinued for over 90 days, and the burden of proof that the structure has been used within the past 90 days shall fall upon its owner. Failure of the owner to produce evidence of current use to the Code Enforcement Officer shall be cause for issuance of an order to move said structure. Portable structures shall not be placed on any foundation which would remain in place if the structure is moved. The structure must be secure so as not to blow into the highway or onto the property of others from winds of less than hurricane force. No section of this chapter shall be construed as to allow any person to place any structure upon any public highway right-of-way without receiving prior approval from the agency having control of said right-of-way.
[Added 6-12-2003 by L.L. No. 3-2003]

§ 164-13. Setback and lot area permits.

No building shall be constructed or extended without a setback and/or lot area permit, as applicable, issued by the Code Enforcement Official. Every application for a setback and/or lot area permit shall be accompanied by a plot plan with all dimensions shown indicating the size and shape of the lot and buildings and location within the town.

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 _____, _____ (County Clerk or Notary Public)
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Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.

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),
- ♦ self-insured (SI-12), or
- ♦ are exempt (CE-200),

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 (12/08).

- ♦ 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(12/08), 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 (the C-105.2 or U-26.3 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) 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.



ANDREW M. CUOMO
GOVERNOR

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
328 STATE STREET
SCHENECTADY, NY 12305



ROBERT E. BELOTEN
CHAIR

December 1, 2008

To all Code Enforcement Officials, Building Departments, and Municipal Entities:

Effective January 18, 1999, Section 125 of the General Municipal Law requires that any individual applying for a building permit must prove to the building department that he/she is in compliance with the mandatory coverage provisions of the Workers' Compensation Law before the building permit is issued.

General Background

Under Section 57 of the Workers' Compensation Law, businesses listed as the general contractors on building permits are required to submit proof of compliance with the mandatory coverage provisions of the Workers' Compensation Law to the building department before a building permit is issued. Section 125 of the General Municipal Law is specifically targeted at ensuring that all applicants who list themselves as the general contractors on the building permit are in compliance with the mandatory coverage provisions of the Workers' Compensation Law.

For homeowner applicants, the instruction manual includes a link to form BP-1 Affidavit of Exemption to Show Specific Proof of Workers' Compensation Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence. The law requires homeowners to provide proof of workers' compensation compliance when applying for a building permit. If the homeowner qualifies for an exemption, the homeowner must either complete this form and file it with the local building department; or the homeowner must complete Form CE-200 and file it with the local building department.

Implementing Section 125 of the General Municipal Law

1. General contractors and Business Owners

Businesses listed as the general contractors on building permits, must prove that they are in compliance with the mandatory coverage requirements and also Section 57 of the Workers' Compensation Law (WCL) by producing ONE of the following forms indicating that they are:

- insured (Form C-105.2 or U-26.3 – the business's insurance carrier will send this form to the building department upon the business's request) All private carriers and their licensed insurance agents are authorized to issue the form C-105.2 as their Certificate of NYS Workers' Comp Insurance. The State Insurance Fund uses the U-26.3 form as its Certificate of NYS Workers' Compensation Insurance.
- self-insured (Form SI-12 -- Certificate of Workers' Compensation Self-Insurance (the business calls the Board's Self-Insurance Office at 518-402-0247), **OR** Form GSI-105.2 -- Certificate of Participation in Workers' Compensation Group Self-Insurance) (the business's Group Self-Insurance Administrator will send this form to the government entity upon request).
- exempt (Form CE-200 – {Form CE-200 is available on the Board's website, www.wcb.ny.gov, under the heading "Forms." Paper applications for this form are available by writing or visiting any Customer Service Center at any District Office of the Workers' Compensation Board.})

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. (Please note: **ACORD** forms are **NOT** acceptable proof of workers' compensation coverage!)

2. *Owner-occupied Residences*

Homeowners of a 1, 2, 3, or 4 Family, Owner-occupied Residence, must file form BP-1 when applying for a building permit when they are:

- 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, 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 must either:
 - acquire appropriate workers' compensation coverage and provide, to the government entity issuing the building permit, appropriate proof of that coverage, on forms C-105.2 or U-26.3, OR
 - have the general contractor performing the work provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage, to the government entity issuing the building permit.

Background on Coordinating the Implementation of Section 125 of the General Municipal Law with Existing Statutes

To ensure that homeowners are not required to have duplicate workers' compensation coverage, the implementation form attempts to coordinate compliance with Section 125 of the Municipal Law with coverage provided under Section 3420(j) of the Insurance Law, which is the homeowner's policy's workers' compensation insurance rider.

As of March 1, 1985, New York State Insurance Law § 3420(j) provides that every policy of comprehensive personal liability insurance (i.e., homeowner's insurance) on a 1, 2, 3, or 4 Family owner-occupied dwelling (including condominiums) will also provide workers' compensation benefits. This section was added to protect the homeowner from unexpected liability when the Board determines that a person, whom the homeowner did not believe required coverage, is found to be entitled to benefits. To receive benefits under this policy, the employee must be found by the Board to have been injured in employment of the policyholder and employed for less than 40 hours a week in and about the owner's 1, 2, 3, 4 family residence in this State.

Form BP-1 is available on the Board's website, www.wcb.ny.gov, under the heading "Forms." Please make as many copies of the BP-1 as you require. The BP-1 form reflects the minimum standard to be applied statewide. If a municipality wishes to collect a copy of the certificate of insurance from a building permit applicant's homeowner's insurance policy or obtain a copy of the information page from the building permit applicant's homeowner's insurance policy, the municipality could make that a local requirement which would be in addition to the State requirement.

If you have any questions regarding the BP-1 form, Section 125 of the General Municipal Law or Section 57 of the Workers' Compensation Law, please contact Steve Carbone of the New York State Workers' Compensation Board at (518) 486-6307.

Thank you for your office's cooperation in enforcing Section 125 of the General Municipal Law and Section 57 of the Workers' Compensation Law.

Sincerely,

Peter Michels
Director of Compliance