



## TOWN OF NISKAYUNA SWIMMING POOL REQUIREMENTS

One Niskayuna Circle  
Niskayuna, New York 12309  
386-4522 Fax 386-4592

A building permit is required. Contractors must provide general liability insurance identifying the Town as the certificate holder, along with proof of NYS workers' compensation and disability benefits insurance coverage, or approved waiver. Homeowners may perform their own work with an affidavit of insurance exemption.

### **BUILDING CODE AND ZONING ORDINANCE REQUIREMENTS**

1. Swimming pool plans must show the following:
  - a. Size and shape of pool
  - b. Type of pool
  - c. Aprons, platforms or decks around the pool
  - d. Accessory equipment related to pool
  - e. Location in relation to property lines
  - f. Other structures on property (ie. House, garage, shed)
- Plans should be on either 8-1/2 x 11 or 11 x 17 paper. Plans from a pool company, home improvement center or lumberyard may be acceptable if sufficient detail is provided.
2. Any structure intended for swimming or recreational bathing that contains water over 24 inches deep must meet the Zoning Ordinance. This includes in-ground, aboveground and on-ground swimming pools, hot tubs, and spas.
3. Swimming pools are accessory structures. Three accessory structures are permitted on a lot if one is a fence; otherwise, two accessory structures are permitted.
4. The maximum area of coverage and minimum setbacks for swimming pools are by Zoning Ordinance and shown on back.
5. Swimming pools must not be located within utility and drainage easements. It is the owner's responsibility to verify the location of property lines for issuance of permit.
6. Swimming pools may not be located in front of the principle building.
7. Above-ground pools with rigid walls and at least 48 inches between pool top and adjoining grade do not need separate enclosures if the only access to the pool is by a ladder which can be removed or blocked in an approved manner.
8. All other pools must be enclosed with a minimum 48 inch high fence, equipped with self-closing, self-latching, and lockable gates. Chain-link fences may not have openings greater than 2.25 inches. Some styles of picket-type fences may not have openings greater than 1.75 inches. The bottom of fences cannot be higher than 2 inches above the ground. All fences must meet the Zoning Ordinance. See Section AG105 of the Residential Code of New York State for additional requirements.
9. Walls and decks used as part of a swimming pool enclosure must meet applicable building codes.
10. Call for foundation inspection once an inground swimming pool hole is dug. Call for final inspection when complete. If electrical is run to the swimming pool, call for final building inspection after electrical inspection is complete.
11. Electrical work requires permits and inspections through any of the three Town approved electrical inspectors.
  - a. Bill Ryan, Chief Electrical Inspector – The Inspector – 363-0181
  - b. Robert Wheatley – Middle Department Inspection Agency, Inc. – 273-0861
12. Before digging, call Dig Safely New York excavation notification center at 1-800-962-7962 to locate utilities. All utilities (gas, electric, phone, cable TV, etc) will be located free of charge.





## Residential Code of New York State

### §AG105 SWIMMING POOL BARRIER REQUIREMENTS

**§AG105.1 Application.** The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.

**§AG105.2 Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).
2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
4. 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 (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1.75 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 1.75 inches (44 mm) in width.
6. Maximum mesh size for chain link fences shall be a 2.25-inch (57 mm) 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 (44 mm).
7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 1.75 inches (44 mm).

8. Access gates shall comply with the requirements of §AG105.2, Items 1 through 7, 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. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:

8.1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and

8.2. The gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.

9. Where a wall of a dwelling serves as part of the barrier one of the following conditions shall be met:

9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F1346;

or

9.2. All doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and its screen, if present, are opened. The alarm shall sound continuously for a minimum of 30 seconds immediately after the door is opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touchpad or switch, to temporarily deactivate the alarm for a single opening. Such deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door;

or

9.3. Other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2 described above.

10. Where an aboveground 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:

10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access,

or

10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of §AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

## **AMENDMENT TO NEW YORK STATE BUILDING CODE GOVERNING SWIMMING POOLS**

### **Pool Alarms:**

Each residential swimming pool installed, constructed or substantially modified after December 14, 2006 shall be equipped with an approved pool alarm which:

1. is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;
2. is audible poolside and at another location on the premises where the swimming pool is located;
3. is installed, used and maintained in accordance with the manufacturer's instructions;
4. is classified by Underwriter's Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F2208, entitled "Standard Specification for Pools Alarms.
5. 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 operations.

### **Multiple Pool Alarms:**

A pool alarm installed pursuant to the above 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 shall be installed.