

A LOCAL LAW NO. 4 OF 2009 OF THE VILLAGE OF SALTAIRE AMENDING SECTIONS 55-1, 55-6 (A), 55-10 (A), (B), (C) and (D) and 55-22 OF THE VILLAGE CODE OF THE VILLAGE OF SALTAIRE REGARDING POOLS IN THE VILLAGE OF SALTAIRE”.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF SALTAIRE AS FOLLOWS:

Section 1.0 Title, Enactment, Effective Date, Purpose.

- 1.1 Title of Local Law
- 1.2 Enactment.
- 1.3 Effective Date.
- 1.4 Purpose and Intent of Local Law.
- 2.0 General Provisions
- 2.1 Amendments to Section 55-1
- 2.2 Amendments to Section 55-6(A)
- 2.3 Amendment to Section 55-10(A), (B) (C) and (D)
- 2.4 Amendment to Section 55-22
- 3.0 Severability and Validity

Section 1.0 Title, Enactment, Effective Date and Purpose.

1.1. Title

This Local Law shall be entitled, "Local Law No. 4 of 2009: Amendments to Chapter 55, sections 55-1, 55-6 (A), 55-10 (A), (B), (C) and (D) and 55-22 of the Village Code of the Village of Saltaire regarding pools

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law, the Village Law and the Village Code of the Incorporated Village of Saltaire, the Incorporated Village of Saltaire, County of Suffolk and State of New York, hereby enacts by this Local Law No. 4 of 2009, a Local Law of the Incorporated Village of Saltaire.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Saltaire.

1.4. Purpose and Intent of Local Law.

The purpose of this Local Law is to promote and protect the health, safety and welfare of the residents of and visitors to the Village of Saltaire; to preserve, protect and enhance the environment and esthetic assets of the Village of Saltaire, including the environmentally sensitive areas within the

boundaries of the Village; and to safeguard the value of public and private property within the Village of Saltaire, by establishing an amendment to Section 55-1, 55-6(A) and Sections 55-22 (A), (B), (C) and (D) of the Saltaire Village Code regarding pools.

2.0 General Provisions.

2.1 Amendment to Section 55-1 of the Saltaire Village Code

Section 55-1 is hereby amended to read as follows:

§ 55-1. Definitions.

The following words and phrases when used herein shall have the following meanings, unless otherwise required by the context:

BAYFRONT AREA -- The lots numbered and shown on Saltaire Map No. 114 and Supplemental Map of Saltaire No. 484, which are bounded on the north by the southerly line of Bay Promenade as laid down on said maps as the same may be extended hereafter, and as the same may from time to time be revised to reflect changes in physical increases and decreases in land areas. [Amended 9-22-1973]

INTERIOR LOTTED AREA -- All the lots numbered and shown on Saltaire Map No. 114 and Supplemental Map of Saltaire No. 484, other than the lots lying in the bayfront area and in the oceanfront area.

OCEANFRONT AREA -- Those lots numbered and shown on Saltaire Map No. 114, which are bounded on the south by the existing dune crest line at the time an application for a building permit is filed. [Amended 9-22-1973]

PARTITION MAP OF 1878 -- The map of the partition of Great South Beach in the Towns of Brookhaven and Islip, made by Jonathan Sammis, Surveyor, and filed in the office of the Clerk of Suffolk County on July 16, 1878, under File No. 310.

SALTAIRE MAP NO. 114 -- The map of property of Fire Island Beach Development Company, known as Saltaire, surveyed by Eugene R. Smith, Engineer and Surveyor of Islip, New York, and filed in the office of the Clerk of Suffolk County on March 29, 1911, as Map No. 114.

SUPPLEMENTAL MAP OF SALTAIRE NO. 484 -- The supplemental map of Saltaire, property of Fire Island Beach Development Company, made by L. A. Beach, Civil Engineer of Bay Shore, New York, and filed in the office of the Clerk of Suffolk County on January 20, 1913, as Map No. 484.

SWIMMING POOL -- Any body of water in an artificial or semi-artificial receptacle or other container temporary, portable or permanent structure having (i) a

depth of more than eighteen (18) inches and an area of more than fifty (50) square feet, or (ii) an area of more than fifty (50) square feet and a capacity of more than 500 gallons, whether located indoors or outdoors, above-ground or in-ground, including all structures, equipment, appliances and other facilities appurtenant thereto and intended for its operation and maintenance. A "swimming pool" shall be deemed to include a hot tub and similar facilities. If roofed by a permanent structure, the total area occupied by a pool shall be deemed an accessory structure subject to the maximum plot occupancy provisions of § 55-12 of the Village Code. If not roofed by a permanent structure, the total area occupied by a pool, any appurtenant decking and the required fencing shall be deemed a deck for purposes of § 55-12 of the Village Code. [Added 8-23-1986 by L.L. No. 4, 1986]

~~SWIMMING POOL, ABOVEGROUND — Any swimming pool located upon the ground which at no point is more than eighteen (18) inches below grade. [Added 8-23-1986 by L.L. No. 4, 1986]~~

~~SWIMMING POOL, IN GROUND — Any swimming pool located in or upon the ground, any part of which extends more than eighteen (18) inches below grade. [Added 8-23-1986 by L.L. No. 4, 1986]~~

~~SWIMMING POOL, PRIVATE — Any swimming pool constructed, installed or maintained as an accessory structure on the same building plot with a residence, installed solely for the private use of any occupant of such residence and such occupant's family and guests. [Added 8-23-1986 by L.L. No. 4, 1986]~~

UNLOTTED ACREAGE AREA -- All those sections or parts of Lot No. 5 shown on the Partition Map of 1878 and now within the corporate boundaries of the Village which were not subdivided into lots numbered and shown on Saltaire Map No. 114 and Supplemental Map of Saltaire No. 484; and the easterly quarter of the easterly half of Lot No. 4 shown on the Partition Map of 1878.

2.2 Amendment to Section 55-6(A) of the Saltaire Village Code

Section 55-6 (A) is hereby amended to read as follows:

§ 55-6. Permitted uses in Residence Districts. [Amended 9-22-1973; 9-6-1976 by L.L. No. 1, 1976; 9-29-1979 by L.L. No. 3, 1979; 11-13-1999 by L.L. No. 8, 1999, Amended 8-15-2005 by L.L. No. 3, 2005]

- A. In Residence Districts no land shall hereafter be used and no buildings or structures shall hereafter be erected, altered, used or maintained for any purpose other than the following:

- (4) (1) Single one-family private residential dwellings and accessory structures designed and maintained for one (1) family unit and having not more than one (1) kitchen equipped with a range and sink and not more than three (3) bathrooms. As used herein and elsewhere in this chapter, the term "one (1) family" shall be defined as one (1) or more persons and their servants, if any, living, cooking and otherwise acting together as a single, nonprofit housekeeping unit in a household which is the functional and factual equivalent of a traditional family, whether or not such persons are related by blood, adoption, marriage or otherwise. The term "accessory structure" as used herein means a structure ancillary and appurtenant to a residential dwelling and located on the same building plot, provided that no cooking or toilet facilities are installed or utilized therein, and further provided that, only on building plots of ~~ten (10) contiguous lots~~ **seventeen thousand (17,000) square feet** or more in **the interior** lotted area, **the ocean front area and the bay front area**, and of twenty thousand (20,000) square feet of area or more in the unlotted areas, a ~~private, aboveground~~ swimming pool with a capacity in excess of five hundred (500) gallons **for the private use of the owners or occupants of such dwelling and their families and guests**, conforming to the construction, operational and maintenance provisions of Chapter 55, § 55-22, may be approved by the Board of Trustees and a permit issued for its installation by the Building Inspector. [Amended 11-2-1985 by L.L. No. 4, 1985; 7-19-1986 by L.L. No. 2, 1986; 8-23-1986 by L.L. No. 4, 1986; 9-13-1986 by L.L. No. 5, 1986]

2.3 Amendment to Section 55-10 (A), (B), (C) and (D)

Section 55-10(A), (B), (C) and (D) is hereby amended to read as follows:

§ 55-10. Setbacks for residential dwellings and business buildings. [Amended 10-9-1965; 9-22-1973; 9-29-1979 by L.L. No. 3, 1979; 8-23-1986 by L.L. No. 4, 1986]

- A. Interior lotted areas. No part of any residential dwelling, including accessory structures, such as decks, open porches and ~~private aboveground~~ swimming pools, shall be erected or altered in the interior lotted areas within twenty (20) feet of the front line and within fifteen (15) feet of the side and rear lines of a building plot, other than walks of not more than six (6) feet in width for access to village walks; bicycle racks; one (1) platform or enclosure for storage of garbage containers not to exceed twenty-five (25) square feet in area and to be set back at least two (2) feet and not more than three (3) feet from the adjacent village walk, and, if enclosed, the height of such enclosure not to exceed three (3) feet

above the level of the adjacent village walk or four (4) feet in height above ground level; and a sewerage tank which shall be not less than ten (10) feet from the rear line of a building plot and not less than sixteen (16) feet from any water supply. The term "front line" on the interior lotted area shall mean that part of a building plot which abuts upon the north-south walks of the village, except in the case of parcels which abut upon both north-south and east-west walks of the village, whereupon the land abutting both walks shall constitute front lines, and no part of any residential structure, including ancillary structures, decks and open porches, shall be erected within twenty (20) feet of such walks.

- B. Bayfront and oceanfront areas. No part of any residential dwelling, including accessorial structures, such as decks and open porches and swimming pools, shall be erected or altered **(i) in the bayfront area within twenty (20) feet of the front line and in the oceanfront area within forty (40) feet of the front line, (ii) within twenty (20) feet of the line (other than the front line) abutting any village walk, and (iii) as to any residential dwelling, including accessorial structures, such as decks and open porches within ten (10) feet of all other lines of a building plot, and as to swimming pools within fifteen (15) feet of all other lines of a building plot,** other than walks of not more than six (6) feet in width for access to village walks, bicycle racks, one (1) platform or enclosure for the storage of garbage containers, as defined in § 55-10A, and a sewerage tank which shall be not less than fifteen (15) feet from the rear line of a building plot and not less than sixteen (16) feet from any water supply.
- (1) The term "front line" in the bayfront area shall mean that side of a building plot which abuts on Bay Promenade as the same may be extended hereafter. The term "front line" in the oceanfront area shall mean the dune crest line. The term "dune crest line" in the oceanfront area shall be a line drawn parallel to the northerly boundary line of the plot from a point established as the highest median elevation above sea level encompassed by the building plot. The dune crest line shall be confirmed by a licensed surveyor and so indicated on the plot survey attached to the application for a building permit, and shall reflect the physical location of the crest of the dune as of the date of such survey.
 - (2) No boardwalks, decks, stiles, steps or other similar structures shall hereafter be erected, altered or maintained to permit entrance or egress from oceanfront area building plots to the beach strand, except when erected by the Village as natural extensions of dedicated village walks.

- C. Unlotted acreage area. No part of any residential dwelling, including accessory structures, such as decks, open porches, ~~private, aboveground~~ swimming pools and sewerage tanks, hereafter erected or altered in the unlotted acreage shall encroach within twenty (20) feet of the boundary lines of building plots other than a walk of not more than six (6) feet in width for access to village walks, bicycle racks, and one (1) platform or enclosure for the storage of garbage containers, as defined in § 55-10A.

- D. No part of any business building or structure, including ancillary structures, decks and open porches, but excluding walks not more than ten (10) feet in width for access to village walks and bicycle racks, shall hereafter be erected or altered within twenty (20) feet of the front lot line, which, in the case of interior lotted areas, shall mean the north-south walks and, in the case of building plots on Bay Promenade, shall mean both the north-south walk and Bay Promenade, and within fifteen (15) feet of the side and rear lines of a building plot. Sewerage tanks shall not be less than ten (10) feet from side or rear lines of a building plot and not less than sixteen (16) feet from any water supply line. [Amended 9-22-1973; 10-8-88 by L.L. No. 9, 1988]

2.4 Amendment to Section 55-22(A), (B) (C) and (D)

Section 55-22(A), (B) (C) and (D) is hereby amended to read as follows. (Section 55-22 (E) and (F) remain in effect unchanged.)

§ 55-22. Swimming pools. ~~[Added 8-23-1986 by L.L. No. 4, 1986; amended 11-13-1999 by L.L. No. 8, 1999]~~¹

- A. It is the intent of these regulatory provisions to recognize, conserve and protect from pollution and damage the sensitive and fragile barrier beach environment existing within the Village of Saltaire, including consideration of the adjacent marine habitats and tidal wetlands, the high groundwater table elevations, poor surface water drainage, limited water availability, the lack of sanitary and stormwater sewerage systems and periodic flooding and damage from storms, among other environmental considerations. It is a further intent of these provisions to preserve the historically established qualities in the community of peace and quiet, maximum preservation of open spaces and respect for property owners' rights to the enjoyment of their property while respecting their neighbors' similar rights to the enjoyment of theirs. Of paramount importance is the intent of these provisions to ensure the safety of young children in a family community in which, because there are no roads and vehicular

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traffic is virtually nonexistent during the summer season, children are free to wander with relatively little supervision.

- B. No ~~private, aboveground~~ swimming pool shall be constructed, installed, operated or maintained, except as an accessory structure to a residential dwelling located on the same building plot.
- C. On building plots of not less than ~~ten (10) contiguous lots~~ **seventeen thousand (17,000) square feet** in the **interior** lotted area, **the oceanfront, area and the bayfront area**, and not less than twenty thousand (20,000) square feet in the unlotted areas of the village, and subject to the provisions hereinafter described, ~~private~~ swimming pools may be installed, used and maintained as an accessory to a residential dwelling **for the private use of the owners or occupants of such dwelling and their families and guests, as provided for in this Section**. Such residential dwellings shall meet the minimum floor area requirements provided in § 55-12. [Amended 9-13-1986 by L.L. No. 5, 1986]
- D. Location.
 - (1) No ~~private, aboveground~~ swimming pool or its appurtenant decking, fencing and facilities shall be located **beyond any required setback from the front line or any other building plot boundary line pursuant to §55-10 of the Code of the Village of Saltaire**.
 - (2) Any such **swimming** pool shall be located a minimum of seventy-five (75) feet from any wetland as defined in, and shall conform to, all applicable provisions of the New York State Tidal Wetlands Act and the rules and regulations thereunder (6 NYCRR 661).
 - (3) No such pool shall be located within any ground surface depression subject to surface water ponding after periodic overflowing tides or heavy rainfall, nor shall it be located so as to interrupt the overland flow of surface water runoff.
- E. Fill water supply.
 - (1) Fill water supply shall not be obtained from a private well source.
 - (2) Fill water obtained from tidal waters shall be drawn in a manner designed to protect the marine habitat and its inhabitants and approved by the New York State Department of Environmental Conservation.
 - (3) Fill water supply obtained by connection to the village water supply system shall be subject to the installation of a backflow preventer approved by the Suffolk County Department of Health.

- (4) No water shall be drawn for the purpose of filling a swimming pool without the issuance of a pool water filling permit from the Building Inspector. Such permit will specify the number of gallons to be drawn and the date and time at which the swimming pool may be filled. In case of a water emergency, such permit may be temporarily rescinded or denied.

F. Discharge water disposal.

- (1) Water from a ~~private aboveground~~ swimming pool shall be discharged only into a dry well dedicated solely to such use. Such dry well shall be designed and constructed to contain any adverse impact from the discharge to the property on which the swimming pool is located. The discharge rate capacity of such dry well shall be certified by a New York State-licensed engineer, and such ~~certification~~ certification shall be filed with the Building Inspector. The dry well shall be set back a minimum of seventy-five (75) feet from any body of water and from any wetland as defined in and shall conform to all applicable provisions of the New York State Tidal Wetlands Act and the rules and regulations thereunder. Such well shall also conform to the applicable provisions of the New York State Sanitary Code and the rules and regulations of the Suffolk County Department of Health.
- (2) The discharge of pool water onto the surface of the ground or into any body of water or wetland is specifically prohibited.
- (3) No discharge of pool water shall be undertaken without the issuance of a pool water discharge permit by the Building Inspector.

G. Pool equipment.

- (1) Any mechanical pool equipment that emits noise shall be of a type designed to minimize such emissions, located in a sound-absorbent housing so as to be inaudible beyond the property lines on which the pool is located and shall be in conformance with the applicable provisions of Chapter 36, of the Village Code, relating to noise. No such equipment shall be located in any setback area.
- (2) Every swimming pool shall have a closed filtration system equipped with a replaceable cartridge-type filter. Backwashing filters are specifically prohibited.
- (3) Every swimming pool shall be equipped with a suitable protective pool cover designed to inhibit algae buildup, keep the pool clean and restrain people, pets and wildlife from entering the pool when it is not in use. Such cover shall be of sufficient strength so that,

when fastened in place, it will support a minimum dead weight of two hundred (200) pounds. The pool cover shall be fastened securely and locked in place over the pool at all times that the premises are left unoccupied for a period of twenty-four (24) hours or longer.

- (4) Any electrical device used in the operation or lighting or maintenance of a pool shall be equipped with a **UL-approved** ground fault interrupter. Such ground fault interrupter and all such electrical devices shall carry the seal of approval of the Underwriters' Laboratories, Inc.
- (5) No pool area lighting shall be installed, maintained or used that casts any light beyond the property lines within which the **swimming** pool is located or whose light source is visible beyond such property lines. Pool lighting shall be extinguished between 10:00 p.m. and dawn.
- (6) No radio, phonograph, public-address system or other sound-emitting device shall be installed or operated in or around the pool area except through a private, personal listening device or when operated at a volume not audible beyond the property lines within which the **swimming** pool is located.
- (7) No banners, pennants or other decorative devices likely to attract children shall be displayed at any part of a pool area that is visible from beyond the property lines within which the **swimming** pool is located.
- (8) Every **swimming** pool shall have at-hand such safety equipment as the Board of Trustees may from time to time prescribe.

H. Fencing.

- (1) A durable restrictive fence not less than four (4) feet higher than the top of the pool **swimming pool (unless a higher fence is required by state or county law or regulation)** shall be erected and maintained, continuously enclosing every **swimming** pool and its related deck area. Such restrictive fence shall be designed in such a manner that the pool area is not accessible from any adjacent external high ground, tree or structure.
- (2) Restrictive fences shall be constructed of wood and otherwise comply with §55-19 of the Village Code and shall be formed so that the **swimming** pool is completely enclosed and screened from outside view. There shall be no open spaces in the fence construction greater than two (2) inches in one (1) dimension.

- (3) One (1) or more walls of the dwelling may constitute a part of the restrictive enclosure.
- (4) During the course of construction of any swimming pool, a temporary fence shall be erected as required by the Building Inspector.**
- (5)** (4)-Any gate or opening in the enclosure other than an opening through the residential dwelling shall be fitted with self-closing and self-latching devices equipped with a deadlock located at a height of at least three (3) feet six (6) inches above the adjacent ground or walk. In the case of a swimming pool to which access is by way of a ladder, such ladder shall be spring-loaded so that when not in use it will rise to a level at least equal to the top of the fencing.
- I. Fire emergency water access required. Owners of swimming pools, as a condition of any permit issued to maintain such pool, shall provide access to the water therein for use by the Fire Company in times of fire emergency.
- J. Permit procedure; certificate of compliance; water filling and discharge permits.
- (1) No swimming pool shall be constructed, installed, altered or maintained without a permit issued by the Village.
- (2) Applications for a permit for the construction, erection, installation or alteration of any ~~private, aboveground~~ swimming pool shall be submitted to the Building Inspector. Such applications shall include all drawings, plans and specifications necessary to ascertain that the pool will be in compliance with the provisions of this section. Prior approval of the applicable portions of such plans and specifications must be obtained from the Department of Environmental Conservation, the Fire Island National Seashore, the Suffolk County Department of Health and any other authority having jurisdiction, including the New York Board of Fire Underwriters, and evidence of such approval shall accompany every permit application submitted to the Building Inspector.
- (3) Plans and drawings shall include survey data as to property lines, site elevation and drainage and shall show existing and proposed buildings and decks, dry wells, and the proposed location and configuration of the swimming pool. Specifications shall include detailed information as to construction of the swimming pool and related structures, the water supply and circulatory systems, the pool's water discharge system and any other proposed

appurtenances. In no event shall any permit or certificate issued pursuant to the provisions of this chapter have the effect of restricting, limiting or inhibiting or threatening to restrict, limit or inhibit the issuance of any building permit or the availability of water supply to the village, or any structure thereof, pursuant to any provision of this Code or any other law or regulation.

- (4) Upon completion of the construction and installation of a ~~private in-ground~~ swimming pool and subject to the owner obtaining the written certification of a New York State-licensed engineer that the installation meets the state standards for construction and for dry well discharge rate, the owner may apply to the Building Inspector for a certificate of compliance, authorizing the use of ~~the~~such pool.
- (5) All certificates of compliance shall be subject to an annual inspection of the pool facility by the Building Inspector to establish that it continues to be in compliance with all the provisions of this section, that all mechanical, health and safety devices are in good repair and working order and that the pool facility conforms to the operational standards of the New York State Sanitary Code and the rules and regulations of the Suffolk County Department of Health. Such annual inspection must be applied for by the owner each year during such period of time as the Board of Trustees shall from time to time determine. The inspection will be conducted in time to ensure the owner's timely seasonal use of the pool.
- (6) Upon completing his inspection and finding a satisfactory condition, the Building Inspector shall issue a certificate of compliance valid for a period of one (1) year. If the Building Inspector finds an unsatisfactory condition, he shall notify the owner promptly in writing and withhold the certificate until such time as the condition has been corrected.
- (7) The Building Inspector shall issue a swimming pool filling permit and a pool discharge permit designating approved times for such filling or draining to owners of pools which have current certificates of compliance. No pool shall be filled or drained unless and until an appropriate certificate has been issued.
- (8) The Board of Trustees may establish from time to time by resolution a fee structure for filing applications and for the issuance of building permits, certificates of compliance, pool filling permits and pool discharge permits.

K. Discontinuance.

- (1) Any owner of a ~~private, aboveground~~-swimming pool who fails to correct an unsatisfactory condition of which he has been notified in writing within one (1) year after such notification shall be deemed to have abandoned ~~the~~said pool and shall be required to remove ~~the~~said pool and restore the site to a safe condition.
- (2) Any owner of a ~~private, aboveground~~-swimming pool who fails to apply for a certificate of compliance during a period of one (1) year from the termination date of a previously issued certificate of compliance shall be deemed to have abandoned ~~the~~said pool and shall be required to remove ~~the~~said pool and restore the site to a safe condition.

3.0 Severability and Validity

3.1 In the event that any portion or section of this local law may be determined to be invalid, the remaining portions and sections of this local law shall remain in full force and effect.

