

ZONING

Chapter 55

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GENERAL REFERENCES

- General provisions -- See Ch. 1.
- Building construction administration -- See Ch. 18.
- Flood damage protection -- See Ch. 28.
- Planning Commission -- See Ch. 42.

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[HISTORY: Adopted by the Board of Trustees of the Village of Saltaire 5-21-1923; revised in its entirety 8-28-1954. Re-adopted in its entirety 10-15-11 by LL 1 of 2011. Re-Adopted in its entirety on 4-1-2015 by LL 1 of 2015. Subsequent amendments noted where applicable.]

§55-1 Purpose and intent.

The purpose and intent of this Chapter is to effect a comprehensive plan for the development of the Village that will protect and preserve its unique and historical character as a residential community predominantly comprised of private single Family residences, to preserve the peace and quiet nature of the community, to allow the preservation of open spaces, to protect property owners' rights to the safe and peaceful enjoyment of their property, and to prohibit the establishment, maintenance and operation of any uses that are not consistent with the character of the Village, including but not limited to any form of transient, multi-Family residence or facility occupied for any purpose other than single Family occupancy within the residence district as established herein. It is finally the purpose and intent of this Chapter that, in order to protect and maintain the historic and traditional character of the Village, non-residential uses and structures, including but not limited to Businesses, Utilities, Private Membership Clubs, and other non-residential uses and structures, be strictly limited and regulated.

§ 55-2. Definitions. [Amended 7-4-2009 by L.L. No. 4 of 2009; 10-15-11 by L.L. 2 of 2011; 3-1-2012 by L.L. 2 of 2012]

The following words and phrases when used in this Chapter shall have the following meanings, unless otherwise stated in this Chapter:

ACCESSORY STRUCTURE -- A structure, the use of which is ancillary and appurtenant to the principal structure on the Building Plot, which shall be deemed to include, but not be limited to, all structures on or above grade.

ANTENNA – Any device that contains a conductor by which electromagnetic waves are sent out or received.

BATHROOM – Any room with a toilet or any device, temporary or permanent, used for the disposal of human waste.

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]

BUILDABLE AREA: The area of the Building Plot bordered by the perimeter of the setback lines where structures are allowed to be placed pursuant to the provisions of this Chapter.

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BUILDING ACCESS: A ramp or staircase that traverses the setback area of the property and connects a developed public or private access walkway to the point of first construction within the Buildable Area.

BUILDING PLOT: A block of contiguous lots owned by one entity such that each lot therein has a common lineal boundary of any length on any side with another of such lots, and which are in conformance with §55-8 of this Chapter.

BUSINESS – A building or property owned and operated as a commercial enterprise, as set forth and limited in Sections §55-5 of this Chapter, together with such other uses which are customary and incidental to that specific use.

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, and in the case where two or more parallel dunes are present, the northern most Dune Crest Line shall prevail. 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.

DWELLING - A building occupied by one or more persons for living purposes.

ENCLOSED AREA – The total square footage of the perimeter of any structure, excluding Porches and Screened Porches as defined herein, as measured from the exterior face of the exterior walls, that is covered by a roof system that is designed or intended to be impervious to water. Any bathroom is deemed to be within an Enclosed Area.

FAMILY

The following shall constitute a Family hereunder:

A. Any number of persons related by blood, marriage, legal adoption, civil union or common law, occupying a single dwelling unit and living and cooking together as a single housekeeping unit or not more than three persons not related by blood, marriage, legal adoption, civil union or common law occupying a single dwelling unit and living and cooking together as a single unit. Four or more persons occupying a dwelling unit who are not related by blood, marriage, legal adoption, civil union or common law shall create a rebuttable presumption that such persons do not constitute the functional equivalent of a family which presumption may be rebutted by evidence submitted to the Building Inspector.

B. A group of persons whose association or relationship is transient or seasonal in nature, rather than of a permanent or domestic character shall not be considered a Family.

C. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:

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1. The occupants must share the entire dwelling unit, including cooking facilities, and live as a single housekeeping unit. A dwelling unit in which various occupants maintain separate and locked sleeping facilities in which such occupants' separate personal property are contained therein may not be deemed to be occupied by the functional equivalent of a traditional family;
2. The group is not transient or temporary in nature. Evident of not being transient or temporary in nature may include but not be limited to proof that member of the household have the same address for purposes of voter's registration, driver's license, motor vehicle registration, and filing of income taxes and/or other documentation of domicile; and
3. Any other factor reasonably related to whether or not the group is the functional equivalent of a family.

FOOTPRINT: The area of a Building Plot on which structures touch or cover the ground.

FRONT LINE - (A) The term "Front Line" when used in 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. (B) 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. (C) The term "Front Line" in the Oceanfront Area shall mean the Dune Crest Line.

GROSS FLOOR AREA: The total floor area contained within a building as measured from the exterior faces of the exterior walls. Gross Floor Area shall include stairwells and stairways at each story and interior balconies and mezzanines, and shall be deemed not to include Porches or Screened Porches.

HOME OCCUPATION - Any Business, professional, artistic or educational activity conducted within a Dwelling by any of the residents thereof.

HOT TUB – A large tub with no more than fifty (50) square feet of surface water area that uses heated water for hydrotherapy or pleasure.

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.

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KITCHEN: Any room with equipment, temporarily or permanently installed, used for the preparation and cooking of food, which shall not be deemed to include an area for one outdoor grill in conformance with Chapter 25 of this Code.

LOT OCCUPANCY – The total square footage of the area within the perimeter of all structures of any kind that are situated on or above a Building Plot.

MECHANICAL SYSTEMS -- Any heating, air conditioning, ventilation, fire suppression or similar mechanical units serving a premises.

MUNICIPAL FACILITY – Any structure or facility used for governmental or related Village purposes, including but not limited to administrative offices, security, fire, and medical offices and facilities, libraries, educational purposes, courts, post offices, employee housing, recreational use, commercial uses as determined by the Board of Trustees to be beneficial to the residents of the Village, playgrounds, parks, and athletic fields, together with such uses and/or structures which are necessary for the safe and efficient operation thereof, and any other governmental use determined by the Board of Trustees in their sole discretion, to be in the best interest of the Village.

OCEANFRONT AREA -- All Building Plots as shown on Saltaire Map No. 114, which abut or incorporate any part of the Primary Dune as defined in Chapter 20 of the Code of the Village of Saltaire.

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.

PORCH – A structure that is comprised of a roof system that is designed or intended to shed water away from a floor or deck system, and is constructed of (i) walls or rails on no more than three sides of the structure that are no higher than the minimum guard height required by the New York State building code for raised floor surfaces, and (ii) of a floor system that in the opinion of the Building Inspector is pervious to water. For the purposes of this Chapter, Porches are deemed not to be part of the Enclosed Area

PRE-EXISTING NONCONFORMING BUILDING OR STRUCTURE – Any building, structure, and appurtenances on a building lot, which was either, (i) at the time of its construction, commenced and completed as a matter of right in compliance with the statutes, ordinances and general rules of law then in effect at the time of construction, or (ii) granted a variance from the Saltaire Zoning Board of Appeals for the non-conformity but which no longer conforms in whole or in part to the current regulations of the zoning district in which it is located. [Amended 3-1-2012]

PRE-EXISTING NONCONFORMING USE -- Any use of a building, structure or land area lawful at the time such use was commenced, or for which a variance was granted from the Saltaire Zoning Board of Appeals, which has been continually maintained without any lapse of

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the use of greater than twelve (12) months, but which no longer conforms in whole or in part to the current use regulations of the zoning district in which it is maintained. [Amended 3-1-2012]

PRIVATE MEMBERSHIP CLUB -- A not-for-profit membership corporation, association or organization for use exclusively by its members and guests for recreation and/or social purposes, together with such other uses which are clearly and customarily incidental and accessory thereto. Said not-for-profit corporation and/or club must be duly formed and operated in conformance with New York State and Federal laws, statutes and regulations, and in which the opportunity for membership must be open to all Village residents.

RELIGIOUS INSTITUTION – An organization whose primary purpose and use is for religious worship and related activities of a religious nature, together with such other uses as are clearly and customarily incidental and accessory thereto such as a rectory, parsonage or convent, which building contains facilities for the institution's business and social activities, and/or residential facilities for members of the clergy and their families and guests.

SALTAIRE DUNE DISTRICT -- The areas of the Village which encompass the Primary Dune as defined in Chapter 20 of the Code of the Village of Saltaire.

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.

SATELLITE DISH – A parabolic dish antenna of whatever kind or nature used to receive and/or transmit radio or electromagnetic waves.

SCREENED PORCH – A Porch that has the space above the minimum guard height required by the New York State building code for raised floor surfaces made up of (i) screening and (ii) vertical structural supports that comprise no more than twenty percent 20% of the space between the minimum guard height and the roof system. For the purposes of this Chapter, Screened Porches are deemed not to be part of the Enclosed Area.

SOLAR ENERGY SYSTEM -- Any device, or combination of devices or elements, which utilizes sunlight as a source for generating energy for use on-site, including the delivery of power to an existing grid to offset the cost of energy to the site.

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 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 five hundred (500) gallons, whether located indoors or outdoors,

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including all structures, equipment, appliances and other facilities appurtenant thereto and intended for its operation and maintenance.

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.

UTILITY -- A public or publicly licensed or regulated Business or service for the provision of essential services, including but not limited to electricity, telephone, water, and natural gas, together with all structures and facilities clearly and customarily accessory thereto and necessary for the safe and efficient provision of the services thereof.

§ 55-3. Districts established.

For the purpose of regulating the use of land and the location of buildings and structures, all land within the boundaries of the Village is hereby divided into four (4) districts to be known as "Residence District," "Business District," "Municipal-Utility District," and "Private Membership Club District."

A. Residence District.

The Residence District shall comprise and include all land within the corporate boundaries of the Village not specifically designated hereafter as lying in the Business, Municipal-Utility, or Private Membership Club Districts.

B. Business District. [Amended 10-8-94 by L.L. No. 3, 1994; 11-13-1999 by L.L. No. 11, 1999]

The Business District shall comprise and include the land numbered as Lot Nos. 519 to 526, inclusive, and part of lots 518, 41 and 42 and shown as lying in Block Number 35 on Saltaire Map No. 114.

C. Municipal-Utility District.

The Municipal-Utility District shall comprise:

1. All lots of land numbered and owned by the Village of Saltaire shown as lying in Block Nos. 35, 36, 37, 60 and 61 on Saltaire Map No. 114; and
2. All other land owned by the Incorporated Village of Saltaire, including but not limited to all in-rem property, all property located in other districts, and donated or park land; and

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3. All other land in its entirety that, subsequent to the adoption of this code, comes into the ownership of the Village of Saltaire or any of its wholly owned or controlled affiliates.

D. Private Membership Club District.

The Private Membership Club District shall comprise and include all lots of land numbered 37 through 40 inclusive, 501 through 517 inclusive, and part of lot 500 and shown as lying in Block No. 35 on Saltaire Map No 114.

§ 55-4. Permitted uses in the Residence District. [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, 7-4-2009 by L.L. No. 4 of 2009]

In the Residence District 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 uses or conditions set forth by the following:

- A. Single-Family private residential Dwellings designed and maintained for one (1) Family and having not more than one (1) Kitchen which shall only be permitted in the principal structure and not more than four (4) Bathrooms, all of which shall only be permitted in the principal structure, and which shall meet the following conditions:
 1. As used herein and elsewhere in this Chapter, the term "one (1) Family" shall only be constituted as defined in Section §55-2 herein.
 2. A Swimming Pool which meets the conditions set forth in Section §55-24 herein is permitted as an Accessory Structure.
 3. A principal single-Family private residential Dwelling on the property may be used for a Home Occupation as defined in Section §55-2 herein. Any Home Occupation shall meet the following conditions, in addition to complying with other applicable requirements of the Village Code:
 - (a) The space used for the Home Occupation shall occupy in the aggregate no more than 160 square feet of the Dwelling.
 - (b) The residential character of the Dwelling shall not be altered.
 - (c) There shall be not more than one (1) sign on the property identifying the Home Occupation. The sign shall be located or posted only on the dwelling, and be placed behind the setback lines of the property. The sign shall be in color and style consistent with the color and style of the dwelling. The sign shall not exceed four (4) square feet in size, subject to rules

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and regulations as may be adopted by the Board of Trustees as it deems necessary.

- (d) No Home Occupation, shall be conducted out-of-doors on the property, including without limitation any use of tools or equipment, delivery or shipping of supplies or materials to or from the Dwelling, except as provided in sub-section (f) below, and/or the engagement of employees, agents or workers to prepare or assemble materials for commercial use, or to otherwise cause such workers to come and go from the property for the purposes of engaging in a commercial operation
 - (e) There shall be no outdoor storage or display of goods or supplies visible from the public walks or from any property adjoining the property on which the Dwelling is located.
 - (f) Delivery or pickup of freight or parcels shall not be more frequent than would normally be expected for a residence without such Home Occupation.
 - (g) The Home Occupation shall not add to the quantity of waste material or water consumption that would normally be expected for a Dwelling without such Home Occupation.
 - (h) The Home Occupation shall not create environmental impacts (for example but not limited to noise, dust, odor or fire hazard) or any other hazard or nuisance to any greater or more frequent extent than would normally be expected for a Dwelling without such Home Occupation.
- B. Religious Institutions as defined in Section §55-2 herein, and occupying Lot Nos. 559 through 566, 624 through 629 in Block No. 36, and Lot Nos. 1573 through 1578 and 2780 through 2785 in Block No. 48, and 2016 through 2114 in Block No. 58 as of January 1, 2015.
- C. All uses other than those specified above are prohibited, including but not limited to tennis courts. No Swimming Pool shall be constructed in the Saltaire Dune District. [Amended 5-13-1980 by L.L. No. 6, 1980; 8-23-1986 by L.L. No. 4, 1986]
- D. Rental of residential Dwellings.
- 1. Residential Dwellings may be rented, leased, bartered or exchanged only to single Family units and no residential Dwelling may be rented leased, bartered or exchanged

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in a manner that would result in multi-Family use or otherwise inconsistent with the limitations contained in this Code

2. The owners of a residential Dwelling shall cause to be included in any written lease or other agreement pertaining to the rental, lease, barter or exchange of any Dwelling the following provisions:

(a)"Both parties to this agreement understand and agree that, in accordance with §55-4 A(1) of the Code of the Village of Saltaire, occupancy of the demised premises shall be limited to one Family and its domestic worker, if any, living, cooking and otherwise acting together as a single 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, legal adoption, marriage or otherwise as defined in §55-2 as a Family and that if, in addition to regular day-to-day occupancy, said premises are from time to time occupied or utilized by friends, guests or any other visitors, neither party will receive, directly or indirectly, any monetary compensation from such friends, guests or visitors." [Added 9-29-1976 by L.L. No. 3, 1979; amended 7-19-1986 by L.L. No. 3, 1986; renumbered as §55-6 C. 11-13-99 by L.L. No. 8, 1999]; and,

(b) Any language required by Resolution of the Board.

§ 55-5. Permitted uses in the Business District. [Amended 9-29-1979 by L.L. No. 3, 1979]

In the Business District no land shall hereafter be used and no buildings or structures shall hereafter be erected, altered, expanded, or an existing use or manner of operation changed, for any purpose other than:

- A. If not owned by the Village of Saltaire or any of its wholly owned or controlled affiliates, by special permit from the Board of Trustees and with the concurrence of the Fire Island National Seashore, any retail store that deals solely in goods and/or commodities which are sold at retail and are necessary or desirable for the day-to-day requirements of residents, including foodstuffs, groceries, hardware or other small household items will be deemed to provide a necessary service to the Village without jeopardizing the residential character of the community. If not owned by the Village of Saltaire or any of its wholly owned or controlled affiliates, no other uses shall be permitted except as may be expressly authorized and permitted by the Board of Trustees.
- B. If not owned by the Village of Saltaire or any of its wholly owned or controlled affiliates, residential living space intended and used for the housing of the operator and his or her immediate family of a permitted Business or as is deemed by the Board to be in the best interests of the Village, but in no event may the residential

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space be used by other than a single family as permitted by this Chapter, so as not to result in a multi-family building.

C. Municipal Facilities as defined in §55-2 of this Chapter

§ 55-6. Permitted uses in the Municipal-Utility District.

In the Municipal-Utility District 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:

- A. Structures and facilities of any corporation subject to the jurisdiction of the Public Service Commission of the State of New York.
- B. Structures and facilities owned by the Village or its wholly owned subsidiaries.
- C. Parking areas and facilities customarily used in connection therewith. [Amended 9-22-73] or any other use deemed by Board of Trustee to be in best interest of Village or residents or for a public purposes.
- D. Municipal facilities as defined in §55-2.
- E. Any other municipal use as may from time to time be determined or defined by the Board of Trustees by regulation, but in no event may it result in a residential space to be used by other than a single family as permitted by this Chapter, so as not to result in a multi-family building.

§55-7. Permitted uses in the Private Membership Club District.

In Private Membership Club District no land shall hereafter be used and no buildings, structures or other facilities shall hereafter be erected, altered or expanded, or an existing use or manner of operation changed for any purpose other than:

- A. A clubhouse or other principle facility of a Private Membership Club, used for the purposes of social, dining and other recreational activities, together with Kitchen, administrative and storage facilities commonly or traditionally associated therewith for the use of its members, guests and employees.
- B. Accessory Structures commonly or traditionally used solely for the storage of equipment necessary for the safe and efficient operation of the Private Membership Club and its appurtenant facilities and activities and which are accessory and appurtenant to a main structure on the same lot only.

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- C. Tennis courts and the fences enclosing them in existence and occupying the same land as of January 1, 2015.
- D. By issuance of a Special Permit of the Board of Trustees, a residential living space located in the principal building of the Private Membership Club to be used solely and exclusively by a resident manager and his or her immediate Family. In no event may the residential space be used by other than a single Family as permitted by this Chapter, so as not to result in a multifamily building.

§ 55-8. Building Plots for residential Dwellings and Religious Institutions. [Amended 10-9-1965]

- A. Building Plots for residential Dwellings in any district shall consist of:
 - (1) Not fewer than six (6) contiguous lots in the interior lotted and Oceanfront Areas. [Amended 9-22-1973]
 - (2) Not fewer than four (4) contiguous lots in the Bayfront Area. [Amended 9-22-1973]
 - (3) Not fewer than twelve thousand (12,000) square feet of land in the Unlotted Acreage Area.
- B. On and after October 25, 1965, no property shall be divided so as to create Building Plots smaller than the minimum areas prescribed herein.
- C. The Building Plot requirement for a Religious Institution shall be the same as for a residential dwelling.

§ 55-9. Setbacks for Residential Dwellings. [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, 9-1-2007 by LL 3, 2007, 7-4-2009 by L.L. No. 4 of 2009, 10-16-10 by L.L. No. 5 of 2010]

- A. Interior Lotted Areas. No part of any building or Accessory structure in the residence district, including but not limited to permitted non-residential buildings and Accessory structures such as decks, Porches and 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. No part of any building or structure in the residence district, including but not limited to permitted non-residential buildings and Accessory structures such as decks,

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Porches and Swimming Pools, shall be erected or altered within twenty (20) feet of a Village walk.

- B. Bayfront and Oceanfront Areas. No part of any building or structure in the residence district, including but not limited to permitted Accessory Structures, shall be erected or altered in the Bayfront Area within twenty (20) feet and in the Oceanfront Area within forty (40) feet of the Front Line, and within twenty (20) feet of the line abutting any Village walk, and within ten (10) feet of all other lines of a Building Plot.
- (1) 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 over the dune system to the beach system, except when erected by the Village as natural extensions of dedicated Village walks.
- C. Unlotted Acreage. No part of any building or structure in the residence district, including but not limited to permitted Accessory Structures, hereafter erected or altered in the unlotted acreage shall encroach within twenty (20) feet of the boundary lines of Building Plots.
- D. Fences. [Added 10-8-1988 by L.L. No. 9, 1988, Modified 9-1-2007 by LL 3, 2007]
- (1) For purposes of this Section §55-9 D, the terms Enclose, Fence, Mesh Fence, Privacy Screen, Restrictive Fence, Split Rail Fence and Wall shall have the meanings ascribed to them in Section §55-22 of the Village Code.
- (2) A Fence or Mesh Fence shall not be erected at any point closer to the Front Line of the property than one-half (1/2) the distance of the Front Line setback as specified in §55-9 of this Code. In the case of a property having two Front Lines, the setback as specified in this Section shall be applicable to both Front Lines. For the purposes of this Section, the term "Front Line" shall be as defined in §55-9 of this Code. Fences or Mesh Fences shall not be erected within five (5) feet of all other property lines, except when permission is granted by the adjoining property owner allowing installation of the Mesh Fence closer to the common property line, as evidenced by a signed agreement which shall be filed with the building inspector on a form provided by the Village. Such fences shall be erected to allow unrestricted access by means of a gate or other access, as provided by Subsection §55-22 C (5) herein.
- (3) A Privacy Screen otherwise conforming to the requirements set forth in §55-22 of the Village Code may be erected along the front, sides or rear of a Building Plot at any point no closer to the property line than one-half (1/2) the distance

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between such line and the setback line described in the appropriate Subsection of this Section.

- (4) A Restrictive Fence shall be subject to the setback requirement in §55-22 of the Village Code.
- (5) A Split Rail Fence otherwise conforming to the requirements set forth in §55-22(A) and 22(F) of the Village Code may be erected along the front, sides and rear of a Building Plot at any point from the property line to the setback line described in the applicable Subsection of this Section with respect to the location of the Building Plot on which the Split Rail Fence is located or is to be located.
- (6) A Wall greater than eighteen (18) inches in height from the average undisturbed grade, and otherwise conforming to the requirements set forth in §55-22(H) of the Village Code, shall meet the required setbacks of the applicable Subsection of this Section with respect to the location of the Building Plot on which the Wall is located or is to be located.

E. Allowable Structures that may be installed in the setback area:

The following structures are allowed to be constructed in the setback areas for residential Dwellings and Religious Institution Structures.

- (1) One Ramp used for Building Access not to exceed 4 feet in width and one Staircase not to exceed 4 feet in width, pursuant to §55-14(A) of this Chapter, except that the width of the ramp may be increased at the sole discretion of the Building Inspector if such width is found to be necessary for the particular building lot.
- (2) Bicycle racks of a depth not to exceed six (6) feet and not to exceed ninety (90) square feet in total area.
- (3) One (1) platform with a permanently affixed enclosure for storage of garbage containers which needs to be located within 5 feet of main entrance 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 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, whichever is greater. All Dwellings shall be required to have such enclosures on or before June 1, 2016.

F. Allowable building protrusions into the setback area:

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The following protrusions extending from buildings are allowed to protrude into the setback area of a conforming structure but not from non-conforming structures for all zoning districts:

- (1) Roof overhangs by a maximum of 24 inches beyond exterior walls of the building.
- (2) Chimney or Flue Chase by a maximum of 24 inches beyond no more than one exterior wall of the building excluding any wall facing the Front Line of the Building Plot.
- (3) Through-The-Wall-Or-Window Air Conditioning Equipment by a maximum of 18 inches beyond the window or exterior wall of the building but in no instance closer than 5 feet from the property line without a variance from the Saltaire Zoning Board of Appeals.

§ 55-10. Setbacks for Religious Institution Structures.

- A. The setbacks required for all religious institution shall be fifteen (15) from the side and rear yard property lines and twenty (20) feet from the front yard property line.
- B. Any Religious Institution Structure that was existing as of January 1, 2015 may continue with those setbacks existing as of January 1, 2015 provided that there shall be no construction of any new structure that would increase the Footprint in any direction of the Enclosed Area as existed as of January 1, 2015 or the Footprint in any direction of an Accessory Structure as existed as of January 1, 2015, or that would violate the setback limits as established in §55-10 (A) herein.

§ 55-11. Setbacks for Private Membership Club buildings.

- A. The setbacks required for any Private Membership Club as defined in this Chapter, shall be ten (10) feet from eastern side yard, fifteen (15) feet from the property line facing Marine Walk, except for structure(s) used for Building Access pursuant to the regulations of §55-9 of this Chapter, and one bike rack not to exceed the dimensions as existed on January 1, 2015, twenty feet (20) feet from the property line facing Bay Promenade, and two hundred thirty (230) feet from the rear property line.
- B. The Building Inspector at his sole discretion may allow a three (3) foot encroachment into the setback area created by subsection A of this Section along the property line adjacent to the Business District for Air Conditioning systems if no other location is available on the property that would allow a code-complaint installation of the system.

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- C. Any Structure that was existing as of January 1, 2015, on a lot that is now zoned a Private Membership Club may continue with those setbacks existing as of January 1, 2015 provided that there shall be no construction of any new structure that would increase the Footprint in any direction of the Enclosed Area as existed as of January 1, 2015, or the Footprint in any direction of an Accessory Structure as existed as of January 1, 2015, or that would violate the setback limits as established in §55-11 (A) herein. Any modification to any such existing Private Membership Club structure shall use all reasonable means to mitigate noise and other adverse environmental impacts on the surrounding residential area.

- D. Mesh Fencing otherwise conforming to the requirements set forth in §55-22 of the Village Code may be erected and maintained along the sides and rear of a Building Plot at any point from the property line to the setback line only in those areas that the mesh fencing is used to surround and enclose a tennis court. The foregoing notwithstanding, the Building Inspector shall have the authority to require emergency access gates in the fence around the tennis courts at locations that in his sole discretion are deemed necessary; and upon replacement or repair of the existing chain link fence has the authority to require the use of non-conductive material if in his sole discretion a viable non-conductive fence fabric material is reasonably and readily available.

§ 55-12. Setbacks for Business Buildings.

- A. If not owned by the Village of Saltaire or any of its wholly owned or controlled affiliates, no part of any building in the Business District, including but not limited to accessory buildings, shall hereafter be erected or altered within seventeen and one half feet (17.5) feet of the front lot line, and no part of any building may be erected or altered within ten (10) feet of the side and rear lines of a Building Plot. Sewerage tanks shall not be less than sixteen (16) feet from any water supply line. [Amended 9-22-1973; 10-8-88 by L.L. No. 9, 1988]

- B. If not owned by the Village of Saltaire or any of its wholly owned or controlled affiliates, decks and walks, excluding one ramp used for Building Access not to exceed four (4) feet in width and one staircase not to exceed four (4) feet in width, except that the width of the ramp may be increased at the sole discretion of the Building Inspector if such width is found to be necessary for the particular building lot, and one (1) bicycle rack of a depth not to exceed six (6) feet and not to exceed ninety (90) square feet in total area, may not be erected or altered within seven and one half (7.5) feet of the front, rear or side of the lot lines of the property without a resolution approved by the Board of Trustees of the Village of Saltaire,

§ 55-13. Setbacks, Lot Occupancy and Maximum Height for Municipal Facility Buildings

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- A. The Setbacks, Lot Occupancy and Maximum Height required for all Municipal Facility structures which use shall have been established and structures existing prior to the adoption of this Code on 4-1/2015 by L.L. X of 2015, shall be the Setbacks, Lot Occupancy and Height of all of those structures as of the adoption of this Code on 4-1-2015 by L.L. 1 of 2015. The Setbacks, Lot Occupancy and Maximum Height required for all Municipal Facilities which lie within the Business District as defined in this Chapter and are newly constructed or improved subsequent to the adoption of this Code on 4-1-2015 by L.L. 1 of 2015 , shall be the Setbacks, Lot Occupancy and Maximum Height as approved by the Board of Trustees by resolution at a properly held meeting approving the new construction or improvement to those Municipal Facilities lying within the Business District. The Setbacks, Lot Occupancy, and Maximum Height for all other Municipal Facilities newly constructed or improved subsequent to the adoption of this Code on 4-1-2015 by L.L. 1 of 2015 on property owned by the Village of Saltaire that lies within all other Districts other than the Business District, shall be the Setbacks, Lot Occupancy and Maximum Height of the District around which the Village of Saltaire property is predominantly surrounded.

§ 55-14. Maximum Enclosed Area and Maximum Lot Occupancy. [Added 9-22-1973; amended 9-29-1979 by L.L. No. 3, 1979, 7-15-1983 by L.L. No. 12, 1983; 8-23-1986 by L.L. No. 4, 1986; 11-13-1999 by L.L. No. 8, 1999, 10-16-10 by L.L. No. 5 of 2010]

- A. In the lotted areas, the Enclosed Area and Lot Occupancy in the Residence District hereinafter erected or altered shall conform to the following:
- i. The Enclosed Area may not exceed twenty percent (20%) of the Building Plot up to a maximum of one thousand eight hundred (1,800) square feet, such Enclosed Area to include any permitted Swimming Pool roofed by a permanent structure.; and
 - ii. The Lot Occupancy may not exceed thirty percent (30%) of such Building Plot. The following structures are deemed excluded from Lot Occupancy calculations:
 1. One (1) allowable staircase or entrance ramp used for Building Access not to exceed four (4) feet in width up to the setback line for any primary Dwelling that is not in compliance with the required Base Flood Elevation for that structure at the time that the Building Access ramp or staircase is constructed. The entrance ramp in this circumstance must be perpendicular with the public walk and may not turn or switchback anywhere in the setback area, unless, in the sole opinion of the Building Inspector, there is no feasible alternative for access without such turn or switchback in the setback area.

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2. One (1) allowable entrance ramp used for Building Access not to exceed four (4) feet in width up to the setback line and one (1) allowable entrance staircase used for Building Access not to exceed four (4) feet in width up to the setback line for any primary Dwelling that is in compliance with the required Base Flood Elevation at the time that the Building Access ramp and staircase are constructed, except that the width of the ramp maybe increased at the sole discretion of the Building Inspector if such width is found to be necessary for the particular building lot. The entrance ramp and staircase in this circumstance must be perpendicular with the public walk and may not turn or switchback anywhere in the setback area, unless, in the sole opinion of the Building Inspector, there is no feasible alternative for access without such turn or switchback in the setback area.
 3. One (1) open platform for parking bikes, of a depth of not to exceed six (6) feet and not exceeding ninety (90) square feet in area.
 4. One (1) platform or permanently affixed enclosure in the front yard abutting a Village walk for storage of garbage containers, such platform or enclosure not exceeding twenty-five (25) square feet in area, and must be no further than five (5) feet from the main entrance to the residence.
- iii. Notwithstanding (i) above, the Enclosed Area may exceed one thousand eight hundred (1,800) square feet under the following conditions:
1. The Gross Floor Area does not exceed three thousand six hundred (3,600) square feet
 2. The Enclosed Area does not exceed twenty percent (20%) of the Building Plot
 3. The Lot Occupancy does not exceed thirty percent (30%) of the Building Plot
 4. All Enclosed Areas that are in excess of one thousand eight hundred (1,800) square feet, except for an exclusion of a maximum of a 100 square foot storage shed, shall be part and parcel of a single primary structure on the property.
 5. All Enclosed Areas that are in excess of one thousand eight hundred (1,800) square feet as well as the equivalently sized area of the structure used as the off-set for the increase in the Enclosed Area shall have no construction higher than thirteen (13) feet from the finished first floor.

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The maximum Lot Occupancy and Enclosed Area for any existing Private Membership Club as defined in this Chapter shall have been established by the legal structures in existence as of January 1, 2015. Such Private Membership Club may continue with the same Lot Occupancy and Enclosed Area as of January 1, 2015 provided that there shall be no further increase in either.

- B. The Lot Occupancy and Enclosed Area for any property in the Business District as defined in this Chapter which shall be newly constructed or substantially improved subsequent to the adoption of this section, shall be the Lot Occupancy and Enclosed Area as approved by the Board of Trustees by resolution approving the new or substantially improved construction.
- C. In unlotted areas where any residential structure is hereafter erected or altered, the same provisions shall apply as in subsection A above, except that, as a further limitation, the total Lot Coverage shall not exceed twenty-five percent (25%) of such Building Plot, and not more than sixteen and two-thirds percent (16 2/3%) of the Building Plot up to a maximum of one thousand eight hundred (1,800) square feet may consist of Enclosed Areas, such Enclosed Areas to include any permitted Swimming Pool roofed by a permanent structure. Notwithstanding the foregoing, the Enclosed Area may exceed one thousand eight hundred (1,800) square feet under the following conditions:
1. The Gross Floor Area does not exceed three thousand six hundred (3,600) square feet
 2. The Enclosed Area does not exceed sixteen and two thirds percent (16 2/3%) of the Building Plot
 3. The Lot Occupancy does not exceed twenty five percent (25%) of the Building Plot
 4. All Enclosed Areas that are in excess of one thousand eight hundred (1,800) square feet, except for an exclusion of a maximum of a one hundred (100) square foot storage shed, shall be part and parcel of a single primary structure on the property.
 5. All Enclosed Areas that are in excess of one thousand eight hundred (1,800) square feet as well as the equivalently sized area of the structure used as the off-set for the increase in the Enclosed Area shall have no construction higher than thirteen (13) feet from the finished first floor.

§ 55-15. Minimum Floor Areas of Residential Dwellings. [Added 7-19-1958; amended 9-22-1973]

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The minimum required Gross Floor Area of a residential dwelling in conformance with §55-4, exclusive of any Accessory Structures, hereafter erected shall be eight hundred (800) square feet and, in the case of a structure in excess of one (1) story, the Gross Floor Area must be a minimum of twelve hundred (1,200) square feet.

§ 55-16. Maximum Height of Residential Dwellings, Business Structures and other Structures. [Added 9-22-1973; amended 9-29-1979 by L.L. No. 3, 1979; 5-27-2002 by L.L. No. 4, 2002; 4-13-2008 by L.L. No. 4 of 2008, 10-16-10 by L.L. No. 5 of 2010]

- A. No structure shall hereafter be substantially improved or erected to a height which shall exceed the maximum height as prescribed in this Section. The maximum height above the finished first floor for Municipal Facilities shall as prescribed in section 55-13 of this Chapter, and for all structures in all other Districts shall be twenty three (23) feet, except that it shall be thirteen (13) feet for the portions of those structures in the Residence District above eighteen hundred (1,800) square feet which are permitted pursuant to Sections §55-14 (A) (iii) and §55-14 (C) of this Chapter. Maximum height shall be measured to the highest point of construction of the structure, excluding stacks, chimneys, antennas and solar panels.
- B. Notwithstanding the above, the maximum permitted roof height for any portion of a structure in the Residence District with a sloped roof section shall be two (2) feet above the limits described in §55-16 (A), as measured from the finished first floor to the roof peak of that sloped-roof section provided that no more than thirty three percent (33%) of the length of that particular sloped roof section is above the maximum allowable height as described in subsection (A) of this Section.
- C. The elevation of the finished first floor of new structures or an existing structure that has undergone a Substantial Improvement, as defined in Chapter 28 of this Code, shall comply with the minimum elevation standards of Chapter 28 of this Code and with the minimum elevation standards of the New York State Building Code. Existing structures that have not undergone a Substantial Improvement as defined by Chapter 28 of this Code shall be permitted to elevate the structure to the minimum elevation standards for new and substantially improved structures required by this section.
- D. The applicant may exceed the minimum required elevation of the first floor of the structure in the Residence District as determined by §55-16(C) herein, but only in accordance with the following conditions:
 - 1. The elevation of the finished first floor may not exceed the minimum required elevation as set forth in the NY State Building Code by more than two (2) feet.

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2. The Maximum Height permitted for any structure where the finished first floor exceeds the minimum required first floor elevation, shall be reduced by an amount equivalent to the amount that the finished first floor exceeds the minimum required elevation as determined by §55-16(C) herein.
- E. Solar Energy Systems. Solar panels or other roof-mounted Solar Energy Systems may exceed the height of the highest point of the roof by twelve (12) inches. All roof-mounted Solar Energy Systems shall be designed and located so as to prevent glare or reflection onto adjacent properties and Village walks and shall not interfere with traffic or create a safety hazard. Screening shall be installed along all sides of such a system that do not collect solar energy. Prior to the installation of any Solar Energy System a detailed installation plan must be submitted for review and approval by the Building Inspector and approval of said system shall be at his sole discretion. All Solar Energy Systems shall be required to have an emergency shut-off mechanism and notice of its location shall be submitted to the Village Administrator and Village emergency services. The Building Inspector shall either inspect or cause to be inspected such system upon its installation and such system may not be placed in operation until the Inspector shall issue a certificate of compliance.
- F. Mechanical Systems.
1. Central Air Conditioning Equipment as defined in Chapter 36 of this Code shall have the platform or deck on which it is mounted at an elevation compliant with the New York State Building Code and Chapter 28 of this Code. All such equipment must comply with height limitation and is excluded from lot coverage but must comply with the required setback requirements. Through-The-Wall-Or-Window Air Conditioning Equipment shall not be located above the ceiling height of the room which it serves.
 2. Emergency Electrical Generation Equipment shall have the platform or deck on which it is mounted at an elevation compliant with the New York State Building Code and Chapter 28 of this Code, but in no case shall it be mounted at an elevation higher than is required for compliance with these code sections.
- G. Radio, television and satellite dish antennas. Up to a maximum of two (2) television or FM antennas of the normal dipole type, and up to a maximum of two (2) satellite dish antennas of a maximum diameter of forty (40) inches each, may be erected on the roof of any structure, provided that the supporting mast does not exceed four (4) feet in height above the peak or highest elevation of the roof structure as established by § 55-16 of this Chapter.

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- H. Citizen Band, amateur radio or marine frequency transmitting and receiving antennas may be erected on the roof or chimney of any structure, provided that the lead-in base of such antennas is located not more than two (2) feet above the peak or highest elevation of the roof structure as established by §55-16 of this Chapter.
- I. Wireless Communication
1. For purposes of this Section, a wireless communication tower is any structure designed or constructed primarily for the purpose of supporting one or more antennas for telephone, radio or similar communications purposes, including, without limitation, radio and television transmission tower or antenna, microwave tower, common-carrier tower, cellular telephone tower or alternative tower structure, but not including Long Island Power Authority (LIPA) transmission poles, telephone poles and street light poles.
 2. A wireless communication tower may be erected at ground level, provided it, and any accessory facility, are adequately anchored and protected on all four (4) sides by a suitable louvered or palisade fence not to exceed eight (8) feet in height and four hundred (400) square feet in area and shall not be within one hundred (100) feet of any residential structure, including a residential structure on the property with the tower and any accessory facility are to be located. Such tower and any accessory facility must adhere to (i) the normal building setback restrictions established by Sections §55-9 and §55-11, as well as set back a distance equal to one hundred percent (100%) of the height of the tower from an adjoining lot line and (ii) the fence law and regulations as to use of materials as set forth by this Chapter.
 3. A special building permit will be required for such tower and any Accessory Structure. The information in the application for the special building permit shall include:
 - (a) A scaled site plan showing existing and proposed structures and vegetation and existing and proposed elevations, grades and topography.
 - (b) Setbacks between the proposed tower and the adjoining properties.
 - (c) Information establishing that the power tower has proper design and sufficient structure to sustain hurricane or stronger winds.

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(d) A written description of the application's compliance with all applicable requirements of this article and with all applicable federal, state and local laws.

4. Any property owner who enters into negotiations with a wireless service provider for the construction of a wireless communications tower must within ten (10) days of the commencement of such negotiations notify the Village Administrator and all property owners within a two hundred-foot (200) radius of the subject property of the proposed placement of such tower.

5. Site Plan Aspects.

(a) Visibility

(i) All wireless communication towers and accessory facilities shall be sited to have the least practical adverse visual effect on the environment.

(ii) Telecommunication towers shall not be artificially lighted except in accordance with the safety requirements of the Federal Aviation Administration (FAA). Towers shall be a galvanized finish or painted gray above the surrounding tree line and painted gray, green, black or similar colors designed to blend into the natural surrounding tree line unless other standards are required by the FAA. In all cases, structures offering slender silhouettes (i.e. monopoles or guyed tower) shall be preferable to free-standing towers for future shared use. Towers should be designed and sited so as to avoid, whenever possible, application of FAA lighting and painting requirements.

(iii) Accessory facilities shall maximize use of building materials, colors and textures designed to blend with the natural surroundings.

(b) Existing Vegetation – Existing on-site vegetation shall be preserved to the maximum extent possible, and there shall be no cutting of trees prior to approval of the special permit use.

(c) Screening – Deciduous or evergreen tree plantings may be required to screen portions of the tower from nearby residential property as well as from public sites known to include important views or vistas.

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6. Authority to Impose Conditions: The Board of Trustees shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed telecommunication tower special use or site plan.
7. Removal Upon Abandonment: Any tower or antenna which has been abandoned or the use of which as a telecommunications tower or antenna has been discontinued must be dismantled a tower or antenna and any associated equipment or Accessory Structures removed from the site, and the site restored to its original condition.

§ 55-17. Temporary habitation. [Added 9-22-1973; amended 4-22-1978 by L.L. No. 2, 1978]

No person shall erect, raise, establish or maintain any tent, trailer, mobile home, sleeping bag or any other temporary habitation to be used or occupied as a place or means for living or sleeping on any public or private, improved or unimproved private property within the Village without written permission from the Board of Trustees.

§ 55-18. Zoning Board of Appeals.

- A. A Zoning Board of Appeals consisting of three (3) members to be appointed by the Mayor and approved by the Board of Trustees for terms of three (3) years is hereby created. Members of the Zoning Board of Appeals shall be residents of the Village, shall serve without compensation and shall hold no other elected or appointed office in the Village. [Amended 9-22-1973; 11-13-1999 by L.L. No. 8, 1999]
- B. [Amended 9-22-1973; 9-29-79 by L.L. No. 3, 1979; 11-13-1999 by L.L. No. 8, 1998; 8-15-2005 by L.L. No. 4 of 2005] The Zoning Board of Appeals shall have:
 1. All of the powers conferred upon a Zoning Board of Appeals under § 7-712 of the Village Law or any amendment or renumbering thereof, including but not limited to:
 - (a) The power to retain jurisdiction of and to hear an appeal of a denial issued by the building inspector or Board of Trustees of the Village of Saltaire regarding any matter involving zoning or building and construction in the Village of Saltaire.

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- (b) The power to retain jurisdiction of and to hear a request for an interpretation of the Zoning Code of the Village of Saltaire, Chapter 55 of the Village Code.
 - (c) Any other power conferred on a Village Zoning Board of Appeals by Section 7-712(B) of the Village Law of the State of New York.
 - 2. The power to promulgate rules and regulations, not inconsistent with the provisions hereof, for the conduct of its proceedings.
 - 3. The powers conferred under subsections B(1) and (2) hereof shall be exercised only upon:
 - (a) The filing of written applications and appeals in the office of the Clerk within ninety (90) days after the written disapproval of the building application by the Building Inspector. [Amended 11-2-1985 by L.L. No. 3, 1985]
 - (b) The posting of notices of the filing of applications or appeals and of public hearings to be held thereon, at three (3) conspicuous places in the Village for two (2) weeks prior to the hearings and a copy of such notice, together with a copy of the original application and appeal, filed with the Superintendent of Fire Island National Seashore.
 - (c) The emailing by the Village Clerk of such notices to each property owner in the Village who shall have registered his name and address for such purpose with the Zoning Board of Appeals.
 - (d) The emailing by the Village Clerk of such notices to all persons listed on the Village assessment roll as the owners of property lying within a radius of two hundred (200) feet of the plots affected by said applications or appeals.
 - (e) The conduct of public hearings, the minutes of which shall be taken and filed.
 - (f) The affirmative concurrent vote of at least two (2) members of the Zoning Board of Appeals who shall make written findings and conclusions, copies of which shall be filed with the Village Administrator and the Superintendent of Fire Island National Seashore, within ten (10) working days after making a determination.
- C. The Zoning Board of Appeals shall conform to the procedures of Section §55-16 of the Saltaire Code and section 7-712 a, b and or c of the New York Village Law. The Zoning Board of Appeals shall schedule a variance hearing date within sixty two (62) days of applicant's first request, as required by 7-712 A, B and or C of the Village Law. If the Zoning Board of Appeals does not schedule a hearing date within sixty two (62) days of applicant's first request, the applicant has the right to

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demand that a hearing date be scheduled within ten 10 business days after receipt of written notice via certified mail return receipt requested from the applicant to the Zoning Board of Appeals and the Board of Trustees. Such demand notice may be made care of the Village Clerk. If the Zoning Board of Appeals does not schedule a hearing date within 10 business days of receipt of notice of demand for a hearing from applicant, the application is deemed approved by virtue of section §55-18 of the Saltaire Code.

- D. The Zoning Board of Appeals shall file its decision with the Village Clerk within sixty two (62) days of a hearing, as required by 7-712 a, b and or c of the Village Law. If the Zoning Board of Appeals does not file its decision with the Village Clerk within sixty two (62) days of a variance hearing, the applicant has the right to demand that a decision be filed within ten (10) business days after receipt of written notice via certified mail return receipt requested from the applicant to the Zoning Board of Appeals and the Board of Trustees. Such demand notice may be made care of the Village Clerk. If the Zoning Board of Appeals does not file its decision with the Village Clerk within ten (10) Business days of receipt of notice of demand for a decision from applicant, the application is deemed approved by virtue of Section §55-18 of the Saltaire Code.

- E. Alternate Members [Amended 10-27-2006 by L.L. No. 6, 2006]

1. The Board of the Trustees of the Village of Saltaire hereby creates the position of Alternate Member of the Zoning Board of Appeals pursuant to Section 7-712(11) of the Village Law of the State of New York.
2. An Alternate Member shall serve pursuant to Section 7-712(11) of the Village Law of the State of New York and §55-18 of the Code of the Village of Saltaire.
3. An Alternate Member shall be appointed by the Mayor subject to approval of the Board of Trustees, and must meet all the requirements of and serve according to subsection A of §55-18 of the Code of the Village of Saltaire.
4. An Alternate Member or Members may be appointed at the discretion of the Mayor for a term specified in the appointment, or upon written request of the Chairman of the Zoning Board of Appeals to the Board of Trustees pursuant to subsection 5 of this Section to fill a temporary vacancy for a particular case created by absence or recusal of either permanent members or previously appointed alternate members..
5. The Chairman of the Zoning Board of Appeals may request from one (1) up to three (3) Alternate Members for any particular case in the event that an appointed Alternate Members previously appointed by the Mayor is not

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available to fill a vacancy due to absence or recusal. The term of any Alternate Member or Members requested by the Chairman shall be from the date of appointment until the conclusion of the specific case for which the request for Alternate Member was made by the Chairman of the Zoning Board of Appeals, unless appointed to a longer term by the Board of Trustees.

6. In the event that an Alternate Member is appointed to replace the Chairman of the Zoning Board of Appeals on any case, the Board of Trustees will appoint one of the Members or Alternate Members as the Chairman of the Zoning Board of Appeals for that particular case.

§ 55-19. Pre-existing Nonconforming Structures and Pre-existing Nonconforming Uses. [Amended in its entirety on 3-1-2012 by L.L. No. 2, 2012]

- A. Any pre-existing nonconforming building or structure in existence and as defined and in accordance with §55-2 of this Code may be continued notwithstanding nonconformity, and pursuant to the conditions set forth below:
 1. A pre-existing nonconforming building or structure as defined in §55-2 of this Code may not be expanded either (i) beyond its existing Lot Occupancy Footprint, or (ii) beyond its existing exterior floors or walls or roofs, unless the expansion meets each of the following conditions:
 - a. All portions of any new work must conform to all sections of this Chapter 55 of the Village Code of the Village of Saltaire.
 - b. The aggregate square footage of the structure after expansion conforms to allowable enclosed and total property coverage limits pursuant to the provision of §55-9, 11, 12 and 13 of this Code in effect at the time of such expansion.
 - c. The total width of the structure after expansion at its widest point, as measured in the direction of side yard to side yard, is not increased to exceed the width of the allowable Buildable Area.
 - d. The total length of the structure after expansion at its widest point, as measured in the direction of the front yard to the

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rear yard, is not increased to exceed the length of the allowable Buildable Area.

- B. A Pre-existing Nonconforming Building or Structure that does not conform to the setback requirements of this Chapter, upon application seeking to have it either (i) reposted in its entirety or (ii) elevated, must be located on the lot at a location that as determined by the Building Inspector provides the optimum conformity with the setback requirements then in effect at the time of application, provided that the Building Inspector cannot demand that the applicant rotate the structure from its current orientation or demand a reduction in the size of the Pre-existing Nonconforming Building or Structure. Should the Department of Environmental Conservation deny the application in regards to the relocation, then Building Inspector in his sole discretion can issue or deny a permit for reposting in-place.
- C. A pre-existing nonconforming building that is detached from the primary building and that is in a non-conforming location pursuant to the provisions of this Chapter, upon application seeking to have it either (i) reposted in its entirety or (ii) elevated, must be relocated in conformance with the setback requirements when the structure was initially constructed, but in no case less than five (5) feet from any property line, if it is determined by the Building Inspector that such relocation will not create an undue hardship on the applicant or any neighbor.
- D. Any Pre-existing Nonconforming Building or Structure as defined in §55-2 may be re-built without conforming with the provisions of this Chapter, even if more than fifty percent (50%) of the Gross Floor Area of all buildings on the Building Plot were destroyed at the time of destruction, no matter what the cause, as long as it (they) are reconstructed to their pre-destruction gross floor area, Lot Occupancy Footprint, building volume and building configuration within 18 months of such destruction. Thereafter it (they) may only be reconstructed in conformity with the provisions of Chapter 55 of the Code of the Village of Saltaire in effect at the time of reconstruction.
- E. Any Pre-existing Nonconforming Use in existence pursuant to the definition in §55-2 may be continued notwithstanding nonconformity with the provisions of this Chapter, provided that any Pre-existing Nonconforming Use may not be expanded, and that any Pre-existing Nonconforming Use shall not have been, to the knowledge and belief of the Building Inspector discontinued for any continuous period of twelve (12) months, after which it may not be resumed or replaced by any other nonconforming use.

§ 55-20. Nonconforming building Lots. [Added 10-9-1965; amended 9-22-1973]

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Notwithstanding any other provisions of this Chapter, single one-family private residential Dwellings may be erected on Building Plots of three (3), four (4) or five (5) contiguous lots in the interior lotted and Oceanfront Areas, on Building Plots of two (2) or three (3) lots in the Bayfront Area and on Building Plots of less than twelve thousand (12,000) square feet but not less than five thousand (5,000) square feet in the Unlotted Acreage Area if, and only if, on October 25, 1965, such plots:

- A. Shall have been in single and separate ownership.
- B. Shall not have been under common ownership with any adjoining improved or unimproved property.
- C. Shall not after such date have come under common ownership with any adjoining improved or unimproved property.

§ 55-21. Signs. [Added 9-22-73]

- A. No illuminated signs shall be permitted in any District.
- B. Sale or rental signs shall be limited in size to one (1) square foot in area and may be placed only on the property advertised for sale or rent and shall be limited to one (1) per premises and shall be removed immediately upon the sale or rental of such property. [Amended 9-29-1979 by L.L. No. 3, 1979; 9-17-1988 by L.L. No. 8, 1988]
- C. Except as permitted by subsection D of this section, commercial signs or advertising displays shall be restricted to property zoned for and in commercial use and shall not exceed four (4) square feet in area, be placed behind the setback lines of the property on which such commercial use occurs and be limited to one (1) per premises. [Amended 9-29-1979 by L.L. No. 3, 1979; 9-17-1988 by L.L. No. 8, 1988]
- D. Commercial signs or advertising displays posted on private property by contractors or other services may only be posted on the property during the period of construction or service work on that property, and shall be prohibited during the period commencing on the Friday preceding Memorial Day and terminating September 15, in any year, and, and such signs shall otherwise be of the same dimensions, placement and number as prescribed in subsection C of this section. [Added 9-17-1988 by L.L. No. 8, 1988]

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- E. A property zoned for residential use from which a Home Occupation is conducted in compliance with Section §55-4A (5) may have a sign on such property only as provided for in said Section §55-4A (5).

§ 55-22. Fences. [Added 9-29-1979 by L.L. No. 3, 1979; amended 7-15-1983 by L.L. No. 10, 1983; 10-8-1988 by L.L. No. 9, 1988; 9/2/00 by L.L. No.1, 2000; 9-1-2007 by L.L. No. 3, 2007; 4-13-2008 by L.L. No. 3, 2008]

A. Definitions

“Enclose”: To be arranged in such a manner so as to divide or separate one area from another area whether or not the area to be divided or separated from the other area is entirely divided or separated, and whether or not the fence is actually arranged in such a manner so as prevent entry from one area to another area.

“Fence”: A structure of wood, metal, plastic, stone, concrete, or other masonry materials or other material, or any combination thereof, erected to enclose, separate, divide, retain or define a building lot or portion thereof. For purposes of this Section §55-22, a fence shall not include hedges or other densely growing shrubbery.

“Mesh Fence”: A fence erected around or by the side of any open space to prevent passage in or out, constructed of non-metallic vertical and/or horizontal support posts and non-metallic mesh fabric with a maximum gauge of twelve (12) and a minimum mesh clearance of one and one-half (1.5) inches in any direction.

“Privacy Screen”: A fence erected by the side of any open space for the purpose of increasing privacy for a portion of any side of any residential dwelling, deck or open Porch constructed in such a way that at least thirty-three percent (33%) of any twenty-five (25) square feet of the face of the privacy screen is made up of clear and open space.

“Restrictive Fence”: A fence used strictly to enclose a Swimming Pool as required by and in compliance with §55-22 of this Code and all relevant provisions of the New York State Uniform Fire Prevention and Building Code.

“Spilt Rail Fence”: A fence constructed entirely of wood erected around or by the side of any open space, constructed of vertical posts of a maximum height of four (4) feet as measured from the surrounding ground level and spaced a minimum of six (6) feet apart with no more than two (2) horizontal members interconnecting the posts. All wooden members may not exceed six (6) inches in width or diameter.

“Wall”: A fence erected by the side of any open space, constructed in such a way that less than thirty-three percent (33%) of any twenty-five (25) square feet of the face of the wall is made up of clear and open space.

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B. Building Permit Application

1. No Fence, including a Mesh Fence, Split Rail Fence, Privacy Screen, Wall or Restrictive Fence, that is eighteen (18) inches or higher at any point above the average, undisturbed grade shall hereafter be erected or reconstructed without a building permit, except as otherwise permitted in this Section. Height is to be measured from the base of the fence, whichever base yields the greatest height measurement.
2. The following fences shall not be subject to obtaining a building permit, provided they otherwise comply with all other provisions of Chapter 55 of this Code.
 - a. A Mesh Fence that encloses a combined area of less than seventy-five (75) square feet, or which is/are less than thirty (30) feet in length.
 - b. Fences that exist at the time of the adoption of this local law that enclose areas of property owned by the Saltaire Yacht Club, Inc, which do not include any building thereon, and any replacement fence of a height not greater than the existing fence. This exception shall cease upon a transfer by the Saltaire Yacht Club, Inc. of all or a portion of the property on which such fence is located, or upon the placement of a building or other structure on such property.

C. Placement and location

The granting of a building permit to erect a Fence, including a Mesh Fence, Split Rail Fence, Wall, Privacy Screen or Restrictive Fence, shall be contingent upon a determination by the Building Inspector that the design, height, placement and construction thereof will assure:

1. Adequate access to existing or contemplated Village water lines;
2. Adequate right-of-way for maintenance of Village walks, unhampered provision of service by public utilities and control of vegetation immediately bordering such walks.
3. Adequate access to fire hydrants, and not otherwise impede fire-fighting procedures.
4. Compliance with the applicable Subsection(s) of Sections §55-9, -10, and -11 of this Chapter.

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5. Adequate access to the septic tank, electrical service, Mechanical Systems and gas or oil tanks must be provided by a self-closing, non-locking gate.

D. Prohibited Materials.

1. No electric fencing of any kind shall be installed or maintained within the Village.
2. All new or reconstructed Mesh Fences, Split Rail Fences, Walls, Privacy Screens or Restrictive Fences shall be constructed of materials which the Building Inspector has determined do not conduct electricity, with the exception that the mesh fence surrounding tennis courts of a Private Membership Club and any fence in the Municipal District may be made of vinyl clad metal chain link material-provided that an adequate number of access gates as determined by the Building Inspector are installed along the perimeter.
3. All new or reconstructed fences, including Mesh Fences, Split Rail Fences, Walls, Privacy Screens or Restrictive Fences, shall be constructed so as the smooth or finished side of the fence shall face the outside of the property, and all posts and braces located on the inside of the fence.
4. Any material, including but not limited to monofilament string or wire, which may, as determined by the Building Inspector, impede upon public safety or be injurious to animals or human beings, is prohibited, including emergency access gates devoid of padlock or locking devices requiring keys or codes.
5. Concrete or other masonry walls other than in a Wall used to retain and enclose a septic tank, are prohibited.
6. The thickness of Walls and Privacy Screens cannot be in excess of 1 (one) foot at any point.

E. Mesh Fences.

1. The fabric of a Mesh Fence may be only black or green in color.
2. No portion of any Mesh Fence shall exceed a height of seven (7) feet at any point, as measured from the surrounding ground level.

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F. Split Rail Fences.

No portion of a Split-Rail Fence shall exceed a height of four (4) feet at any point, as measured from the surrounding ground level.

G. Privacy screens.

1. A Privacy Screen shall not be erected along more than two (2) sides, or portions thereof, of any Building Plot, and the combined length of all Privacy Screens on any one property shall not exceed thirty-five percent (35%) of the total length of the perimeter of the property.
2. No portion of a Privacy Screen erected at ground level shall at any point exceed a height of six (6) feet, as measured from the average undisturbed ground. No portion of a Privacy Screen erected on a deck shall at any point exceed a height of six (6) feet, as measured from the floor or base on which it is erected.

H. Walls.

1. Any Wall greater than eighteen (18) inches in height from average, undisturbed grade shall meet the setback requirements of §55-9, -10, -11, and -12 of this Chapter.
2. All Wall eighteen (18) inches in height or less from average, undisturbed grade shall not require a setback or building permit.
3. Any Wall greater than eighteen (18) inches in height from average, undisturbed grade shall not be erected along more than one (1) side or portions thereof of any Building Plot, except that Walls used to retain and enclose a septic tank as required by the Suffolk County Department of Health are permitted, provided that all of the Walls of the septic tank enclosure meet the setback requirements of §55-9, -10, -11, and -12 of this Chapter.
4. No portion of a Wall erected at ground level shall at any point exceed a height of six (6) feet, as measured from the average surrounding ground. No portion of a Wall erected on a deck shall at any point exceed a height of six (6) feet, as measured from the floor or base on which it is erected.

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- I. Restrictive Fences.
All Restrictive Fences shall comply with the provisions of §55-22 of this Code and with all relevant provisions of the New York State Uniform Fire Prevention and Building Code.
- J. Compliance.
All Fences constructed after or in existence on the effective date of this ordinance shall comply with all applicable sections of this Chapter.

§ 55-23. Private docks. [Added 5-31-1980 by L.L. No. 7, 1980, Amended 10-7-2006 by L.L. No. 7, 2006]

- A. No dock or other waterfront structure of any kind (whether permanent or temporary in nature) shall hereafter be constructed on any waterfront property or in or upon any body of water adjacent thereto without a building permit, application for which shall be made to the Building Inspector.
- B. A permit for installation of a dock or other waterfront structure may only be granted to the owner of improved residential property with riparian rights on the Great South Bay and such installation shall be in compliance with this Section §55-23.
- C. The application for a building permit for the installation of a dock or other waterfront structure shall comply with all provisions of Chapter 18 of this Code, and shall include a statement from the owner of the premises for which the application is being made, which shall be signed on such form required by the Building Inspector, stating that the applicant is responsible for submitting all applications or other documents required by any governmental agency or body having regulatory jurisdiction of the proposed dock or other waterfront structure, and stipulating that the granting of a permit under the application does not relieve the applicant of the responsibility of obtaining any other permission or approval from any governmental body having regulatory jurisdiction, and also indemnifying the Village of Saltaire on behalf of the applicant, his heirs and assignees, by such form and filing as may be required by the Building Inspector, for any costs or damages that may incur for failure to obtain permission from any governmental agency or body having jurisdiction over the structure and for any costs or damages which may be caused by or result from future operations undertaken by any governmental agency or body now or in the future having jurisdiction for the conservation or improvement of navigation, or for any other purposes.
- D. Any permit which was issued under this Section for a dock or other waterfront structure may be modified, revoked or suspended by the Building Inspector at any

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time if upon the determination of the Board of Trustees that the environmental conditions, navigation conditions, relevant technology or applicable law or regulation have materially changed since the issuance of the permit or of other new material information is discovered that would justify such modification, revocation or suspension, or if at any time the conditions of subsection (E) of this Chapter are not met by the owner of the dock or other temporary structure.

- E. Any dock or other waterfront structure constructed under the foregoing provisions shall be constructed and thereafter maintained to:
1. Consist of a floating platform which does not exceed one hundred (100) square feet in area nor twelve (12) feet on any one side, and a walkway section that does not exceed twenty (20) feet in length nor four (4) feet in width.
 2. Be a floating structure, readily removable from the water except for its pilings.
 3. Be located in a manner to provide at all times an unimpeded pathway of at least two (2) feet wide for pedestrian passage along the water's edge.
 4. Be located in a manner such that all portions of the dock or other waterfront structure that connect to the subject property adhere to the side yard setbacks required in §55-9 of this Code, and that all portions of the dock or other waterfront structure on the water-ward side of that connection maintain that required setback as if the side yard property lines extended as parallel lines into the Great South Bay.
 5. Be used solely for recreational, noncommercial purposes.
 6. Be removed from and remain out of the water between November 1 and April 30 of following year, and stored either on the property on which the dock or other temporary structure is located or other location for which the owner has permission from the property owner of such other location in a manner so as not to be unsightly or a nuisance, in accordance with §38-4, §52-6 and any other relevant provision of the Code of the Village of Saltaire.

§ 55-24. Swimming Pools & Hot Tubs. [Added 8-23-1986 by L.L. No. 4, 1986; amended 11-13-1999 by L.L. No. 8, 1999, amended 7-4-2009 by L.L. No. 4 of 2009]¹

¹ Editor's Note: This local law also provided that former § 55-22, Powers of Board, be renumbered to become § 55-23.

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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 storm water 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 traffic is virtually nonexistent during the summer season, children are free to wander with relatively little supervision. The construction, maintenance and operation of Swimming Pools shall comply with the New York State Building Code,

- A. No Hot Tub shall be constructed, installed, operated or maintained, except in the Residence district as an Accessory structure to a residential Dwelling located on the same Building Plot, which may only be constructed, installed operated and maintained in full conformance with the Uniform Fire and Building Code of the State of New York, and which shall be limited to no more than one (1) Hot Tub per Building Plot.
- B. No Swimming Pool shall be constructed, installed, operated or maintained, except in the Residence district as an Accessory structure to a residential Dwelling located on the same Building Plot, which may only be constructed, installed operated and maintained in full conformance with the Uniform Fire and Building Code of the State of New York, and which shall be limited to no more than one (1) Swimming Pool per Building Plot.
- C. On Building Plots of not less than 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 acreage areas of the Village, and subject to the provisions hereinafter described, Swimming Pools may be installed, used and maintained as an accessory structure 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 § 55-15.
- D. 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 § 55-14 of the Village Code.

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E. Location.

- (1) No 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 §55-9 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.
- (4) Pools shall be constructed such that at least eighty percent (80%) of the vertical height of the structure containing the pool water is above the natural existing grade, and in accordance with all provisions of the regulations of the Fire Island National Seashore, the New York State Department of Environmental Conservation, the New York State Building Code, and the Code of the Village of Saltaire

F. 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 from the Village water system 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.

G. Discharge water disposal.

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- (1) Water from a 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 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.

H. 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.

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- (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, and must conform to Chapter 25 (Fire Prevention) of this Code.
- (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, and in all other way conform to Chapter 36 (Noise) of the this Code.
- (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.

I. Fencing.

- (1) A durable Restrictive Fence not less than four (4) feet higher than the top of the 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 §55-20 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 may required by the Building Inspector.
- (5) Any gate or opening in the enclosure other than an opening through to 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-

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loaded so that when not in use it will rise to a level at least equal to the top of the fencing.

- J. 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.
- K. 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 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 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 such pool.

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- (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.

L. Discontinuance.

- (1) Any owner of a Swimming Pool who fails to apply for a certificate of compliance within one (1) year of the date of expiration or termination of the prior certificate of compliance for that pool, or who fails to correct an unsatisfactory condition of which he has been notified in writing within one (1) year after such notification, shall not fill or use such pool until such violation has been cured and the same has been certified by the Building Inspector.
- (2) Any owner of a Swimming Pool who shall be deemed by the Building Inspector to have abandoned said pool shall be required to remove it in its entirety and restore the site to a safe condition that comports with the condition of the site existing prior to the construction of such pool.

§ 55-25. Lighting.

- A. It is the intent of the regulatory provisions of this Section to recognize and maintain the quiet, natural and serene nighttime setting of the Village of Saltaire, and to minimize

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the light pollution that can be caused by exterior lighting so as to preserve the natural nighttime environment.

- B. Effective immediately upon the adoption of this section, all new and replacement exterior lighting fixtures shall be fully shielded such that no light shall be allowed to project above the ninety degree plane of the bottom of the bulb, and shall be aimed away from the direction of neighboring properties and public walkways, beaches and other areas.
- C. By May 1, 2016 all existing exterior lighting fixtures shall be fully shielded pursuant of subsection B of this section and shall be aimed away from the direction of neighboring properties and public walkways, beaches, and other areas.

§ 55-26. Platform Lifts and Elevators. [Added 11-09-2021 by L.L. No. 2 of 2021]

A. Definitions

The following words and phrases when used in this Section shall have the following meanings:

PLATFORM LIFT – An exterior platform no larger than 25 (twenty-five) square feet in surface area, located outside of the enclosed space of a building, that is part of a hoisting and lowering mechanism without an enclosed shaft, to be used solely for raising and lowering people and items to and from ground level and the finished first floor of the building.

ELEVATOR – A compartment housed in a shaft and enclosed within the interior of a building, used for raising and lowering people or items to different floor levels of the building.

B. Location and Zoning Impact

- 1) No Elevator or Platform Lift may be erected or installed on any property without a permit issued by the Building Inspector pursuant to plans and specifications previously submitted by the applicant in accordance with this Code.
- 2) A Platform Lift from ground level to the first floor of any business or residential structure may be installed on the property under the following conditions:
 - a. It may not be the sole means of access to or egress from the building or deck to ground level.
 - b. It may be installed within the buildable area of the property created by the setback requirements of this Chapter,

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in which case the area that it covers shall count toward and be compliant with the Lot Coverage requirements pursuant to §55-14 of this Code.

- c. It may be installed in the setback area of the property, only if the Platform Lift meets all of the following conditions:
 - i. It shall be installed or constructed for service between the ground level and the first floor of the building or structure, and not to or between any other building or structure floor levels.
 - ii. It must be installed in lieu of either the access staircase or a component of the entrance ramp and be equal to or less than the permitted coverage area that is allowed to be connected to the public walkway pursuant to §55-9 and § 55-14 of this Code.
 - iii. The exit from the Platform Lift onto the first-floor elevation of the building must be either:
 - 1. onto a building or structure that is within the buildable area of the property created by the setback requirements of this Chapter, or
 - 2. onto a preexisting legal non-conforming building or structure outside of the buildable area of the property created by the setback requirements of this Chapter.
 - iv. It shall be constructed with such noise-abatement design or equipment as may be required or permitted by this Code or applicable law and approved by the Building Inspector in order to minimize any noise or other disturbances created by its operation.
- d. If the Platform Lift meets all the conditions of subsection (c) above, the area it covers will not count toward total Lot Coverage.

- 3) An Elevator in any commercial or residential building or structure may be installed on a property only under the following conditions:
 - a. It shall only be installed within the buildable area of the property created by the setback requirements.
 - b. It may not be installed within any setback area of the property.
 - c. The area it covers will count towards and be compliant with the Enclosed Space coverage pursuant to §55-14 of this Code.

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C. Construction Standards

- 1) Platform Lifts and Elevators shall be designed and installed in conformance with the version of the Building Code of the State of New York and in compliance with all applicable Federal, State and Village requirements in effect at the time of the application for a permit to construct.
- 2) Platform Lifts and Elevators shall be designed and installed in accordance with NFIP Technical Bulletin #4 dated June 2019, or any successor standards or regulations.
- 3) Platform Lifts and Elevators shall be installed with such equipment and access features as required by the Building Inspector at his or her discretion to make the Platform Lifts and Elevators available for access by local fire or rescue personnel in response to an emergency situation.
- 4) A set of plans and specifications shall be submitted to the Building Inspector, which shall be stamped by a design professional and shall include a statement that the Platform Lift or Elevator:
 - (i) will be constructed with materials resistant to flood damage, and
 - (ii) will be constructed by methods and practices that minimize flood damages, and
 - (iii) will be constructed with electrical and mechanical equipment that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Sections §55-27 through §55-40 reserved for future use.

§ 55-41. Construction and interpretation. [Amended 9-22-1973; 9-6-1976 by L.L. No. 1, 1976]

In any action or proceeding, the provisions of this Chapter shall be liberally construed to effectuate the basic intendments thereof; namely, to protect and preserve the Village as a single-Family private residential community, to prohibit the erection, maintenance and operation of hotels, apartment houses, boardinghouses, rooming houses, lodging houses, tourist houses, apartments, Kitchenette apartments, duplex apartments, furnished-room houses, dormitories, nursing homes and residences and any structure which in whole or in part might be either rented, leased, let or hired out for occupancy by more than one (1) Family, as defined in § 55-2 of this Chapter, and to restrict and limit permitted Business and other uses to the districts and uses specified herein.

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§ 55-42. Enforcement.

This Chapter shall be enforced by the Building Inspector, the Village Administrator and the Village Security Officers of the Village of Saltaire.

§ 55-43 Fines and Penalties.

- A. Each separate violation of this Chapter shall be punishable by a fine of up to one thousand dollars (\$1000).
- B. Each and every day that a violation of this Chapter by any individual or entity remains in violation shall constitute a separate and new violation of this Chapter that is punishable by a separate and additional fine. If in the opinion of either the Village Administrator, the Village Fire Marshal or a member of the Saltaire Security Department, or through a directive of the Mayor, that a continuation of a violation endangers the health and safety of the residents or their guests, or unduly disturbs their quiet enjoyment of the Village, they have the authority granted by this section to determine that a shorter period than twenty four (24) hours shall constitute a separate and new violation of this Chapter that is punishable by a separate and additional fine.
- C. The owner of a violating property or structure and the tenant or other person in possession or responsible for the maintenance, operation or occupancy of a property or structure shall be individually and separately liable for any violation of this Chapter.
- D. The election by the Village of Saltaire to issue a violation or to prosecute a violation of this Chapter in the Saltaire Village Court or other court of competent jurisdiction shall not be exclusive and shall not preclude the Village of Saltaire from pursuing a civil remedy in any particular case.
- E. The Village of Saltaire may, at the election of the Board of Trustees, commence a civil proceeding including but not limited to an application for injunctive or other relief to, enjoin, stop or prevent a violation of this Chapter. In the event that the Village of Saltaire should elect or should be required to commence a civil proceeding against an owner, tenant, sub lessor, sub lessee, assignor, assignee, or occupant or user of a premises, or a premises under this local law, such election shall not be an exclusive remedy, and the Village of Saltaire may continue to pursue other enforcement actions and remedies, and the owner and tenant as defendants or other defendants shall be liable to the Village of Saltaire for all legal and other costs incurred, which shall be recoverable by the Village of Saltaire as a money judgment in that proceeding or in another proceeding commenced by the Village of Saltaire for that purpose.

§55-44 Severability

In the event that one or more provisions of this Chapter should be determined to be invalid or unenforceable, the remaining provisions of this Chapter shall remain in full force and effect.