

TOWN OF MONTGOMERY
Building Department

WHEN DO I NEED A BUILDING PERMIT?

The New York State Building Code **requires** a building permit for the erection, construction, enlargement, alteration, improvement, relocation, removal or demolition of **any** building or structure, except a non-residential farm building or structure.

No permit is required by the State for the performance of necessary repairs which **do not** materially affect structural elements, including, for example, the repair of siding and roofing with like or similar materials.

Although the New York State Building Code does not require a permit for non-residential farm building or structure, non-commercial storage facilities of less than 144 square feet of gross floor area or for fences, the Town of Montgomery Zoning Laws do require a permit be obtained. The permit is required to be sure that setback requirements are met.

A few of the Town of Montgomery requirements are:

- Fences: Must be 6' maximum for Residential Use
- Swimming Pools: Not allowed in required front yard
Must be 10' from house, septic, and property line
- Minor Accessory Buildings (less than 200 sq.ft.)
- RA-5 and RA-1 Zones Not allowed in required front yard
Must be 10' from side and rear yards
- RA-2 and All Other Zones Not allowed in required front yard
Must be 5' from property line
Must be 10' from dwelling
- Accessory Buildings (greater than 200 sq.ft.)
- RA-.5 Zone. (25' maximum height)
- RM-1 Zone. (20' maximum height)
- All Other Zones (18' maximum height)

The Town of Montgomery requires permits to be obtained for Swimming Pools (deeper than 24") in accordance with New York State and Town of Montgomery Codes.

The Town of Montgomery also requires permits to be obtained for the installation of signs, replacement windows, new HVAC systems, and stand-by generators.

If you have a question regarding whether a permit is required, please contact our office at (845) 457-2640. We will be glad to assist you.