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FINISHED BASEMENT POLICY **TOWN OF BETHLEHEM BUILDING DEPARTMENT**

Building Codes New York State: Section 202: Defines Building: Any structure used or intended for supporting or sheltering any use of occupancy.

Residential Codes New York State: Section 202: Defines Building: Building shall mean any one- and two-family dwelling or portion thereof, including townhouses, that is used, or designed or intended to be used for human habitation, for living, sleeping, cooking or eating purposes, or any combination thereof, and shall include accessory structures thereto.

Residential Codes New York State: Section 202: Defines Habitable Space: A space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls storage or utility spaces and similar areas are not considered habitable spaces.

Town of Bethlehem Building Department will enforce NYS Building Codes requirements for finished basements as habitable space. Any basement that is partitioned off, covered with gypsum board, painted and ceiling of basement finished or not finished shall be considered habitable space. This includes areas used for office(s), recreation, entertainment, sleeping, and exercise areas, sitting areas, with or without bathroom facilities, or any other uses other than storage or utility. **Plans are required to be submitted for review and approval by the Building Department. A building permit is required and inspections of framing, insulation, and plumbing are required along with a "Final Inspection" once project is completed.**

Ceiling height required in finished basements shall comply with RCNYS Section R305 (3): Habitable space in basements may have a ceiling that projects to within **7'-0"** of the finished floor; and beams, girders, ducts or other obstructions may project to within 6'-8" of the finished floor.

Emergency Escape and Rescue Openings shall provided additional egress, and not including basement stairway access, by any one of the following per RCNYS Section R310 and shall also provide egress:

1. RCNYS R310-3: Bulkhead enclosures: (i.e. Bilco Doors) shall provide direct access to the basement. The bulkhead enclosure with the door panels in the fully opened position shall provide the minimum net clear opening required by section R310.1.1 (Min. opening area: All emergency escape and rescues openings shall have a minimum net clear opening of 5.7 square feet.) Bulkhead enclosures shall also comply with Section R314.9: Bulkhead enclosure stairways; Stairways serving bulkhead enclosure not part of the required building egress and providing access from the outside grade level to the basement shall be exempt from the requirements of Sections R312, R314 and R315 when the maximum height from the basement finished floor level to grade adjacent to the stairway is covered by a bulkhead enclosure with hinged doors.

2. RCNYS R310.2 Window Wells: Window wells required for emergency escape and rescue shall have horizontal dimension that allow the door or window of the emergency escape and rescue opening to be fully opened. The horizontal dimensions to the window well shall provide a minimum net clear area of 9 square feet with a minimum horizontal projection and width of 36 inches. The window sill height will be not more than 44” off basement finished floor.

Bedroom and/or sleeping area within basements: Egress will not be permitted through a garage from a bedroom and/or sleeping area as per FCNYS Section 1004.2.3 Exit through Intervening Spaces. A basement bedroom and/or sleeping area is required to have it’s own egress directly to the exterior of the residence and constructed per the requirements noted above in Section R310 Emergency Escape and Rescue Openings. This egress is considered the second means of egress with the use of the standard stairs giving access to the basement from the first floor.

3. RCNYS R310.2.1 Ladder and steps: Window wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or step usable with the window in the fully open position. Ladders and steps required by this section shall not be required to comply with Sections R314 Stairway requirements and R315 Handrails requirements. Ladders or rungs shall have an inside width of at least 12 inches, shall project at least 3 inches from the wall and shall be spaced not more than 18 inches on center vertically for the full height of the window well.

RCNYS Section R314 Stairways: Traditional stairways installed (other than noted in **RCNYS R310.2.1 & RCNYS R310.3** with bulkhead enclosures or window wells) shall comply with requirements of this section. Stairways from basement that egress through the upper level garage is not permitted as Emergency Means of Egress”. The underside of stairway stringers and wall areas, if used for storage, shall be covered with ½” gypsum board.

RCNYS Section R317 Smoke alarms and Automatic Sprinkler Systems:

- A. A smoke detector will be installed in the basement furnace area. It is also recommended that a Gas Detector be installed in the basement furnace area if you are heating your home or hot water with gas.
- B. A smoke detector will be installed in each bedroom and/or sleeping area in basement.
- C. A smoke and carbon monoxide detector will be installed immediately outside of the bedroom and/or sleeping area in basement.
- D. A smoke detector will be installed in the general area within the basement that has no bedroom and/or sleeping area.

All smoke, carbon monoxide, and gas detectors are to be hard wired in the building wiring, interconnected and have battery backup as per **RCNYS R317.1: Single and multiple-station smoke alarms** and **R317.2: Power Source**. All smoke alarms shall be listed and installed in accordance with the provisions of this code and the household fire warning equipment provisions of NFPA 72.

Interior basement walls that are furred out, insulated (R-11 Foundation Wall Insulation and/or R-21 Floor Insulation is required) and covered with gypsum board will not require a second means of egress provided that the basement space is not used for recreation, entertainment, sleeping, exercise areas, sitting areas, or any other uses similar to this other than for storage.

Electrical Work: **NEC 370-29** requires that any junction box containing wiring is to be accessible without removing any part of the building. Panel boxes shall have a 30” wide by 36” deep from front of panel for access clearance. A third party, approved by Town of Bethlehem Building Department, must inspect all electrical work done.

Basement Furnace & other related equipment: MCNYS Section 306.1 Clearances for maintenance and replacement: Clearances around appliances to elements or permanent construction, including other installed equipment and appliances, shall be sufficient to allow inspection, service, repair or replacement without removing such elements of permanent construction or disabling the function of a required fire-resistance rated assembly.

Plumbing: PCNYS Section 405.2 requires that plumbing fixtures shall be installed so as to afford easy access for cleaning both the fixture and the area around the fixture. Access panel or doors shall be provided to give access to sump pumps, plumbing clean outs and etc.