

TOWN OF MILO, NEWYORK

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Attic Conversion at a Dwelling Construction Guide

Introduction.

This publication provides information for owners who want to increase livable space in their single unit dwellings by converting their attic. It is important to know that most existing attics and garages were built to be used for storage rather than living space; therefore, each conversion project is unique. The conditions of your site and dwelling will determine the scope and feasibility of the project. For these reasons, it is important to employ a registered design professional to assist you as well as to provide the necessary construction documents required for a Building Permit.

Applicable abbreviations and definitions.

1. *Dwelling*—Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.
2. *Dwelling Unit*—A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
3. *Emergency Escape and Rescue Opening*—An operable exterior window, door or similar device that provides for a means of escape and access for rescue in the event of an emergency.
4. *NFPA*—National Fire Protection Association.
5. *Registered Design Professional*—An individual who is a registered architect (RA) in accordance with Article 147 of the Education Law of NYS or a licensed professional engineer (PE) in accordance with Article 145 of the Education Law of NYS.
6. *Story Above Grade*—Any story having its finished floor surface entirely above grade, except that a basement shall be considered as a story above grade where the finished surface of the floor above the basement is:
 - a. More than 6 feet above grade plane; or
 - b. More than 6 feet above the finished ground level for more than 50% of the total building perimeter; or
 - c. More than 12 feet above the finished ground level at any point.

Why is a registered design professional required?

NYS laws requires that all plans, drawings and/or specifications regarding the construction or alteration of buildings or structures which must be filed with the Code Enforcement Officer must be stamped with the seal of a registered design professional. Any exemption to these laws do not apply since an attic conversion involves the structural safety as well as public safety of a building or structure. (N.Y. Education Law §7307 and Title 19 NYCRR Part 1203.3(a)(3)(1))

Evaluating your existing space.

In unfinished areas, existing features such as strength of existing home, ceiling heights, windows, stairs and insulation may not meet current building code requirements for habitable space. These conditions could make it expensive, difficult or impractical for you to convert your attic. In addition, zoning code requirements may affect your project. For these reasons, it is important for your registered design professional to evaluate your attic to provide you an estimate and what code requirements are applicable.

Applying for a Building Permit.

In order to legally convert your attic to habitable space, you will need to obtain a Building Permit from the Town of Milo. (Note. It is highly recommended that you meet with the Code Enforcement Officer to discuss your project prior to applying for a Building Permit.) Please understand that the following documents need to be submitted to the Code Enforcement Officer to obtain such permit:

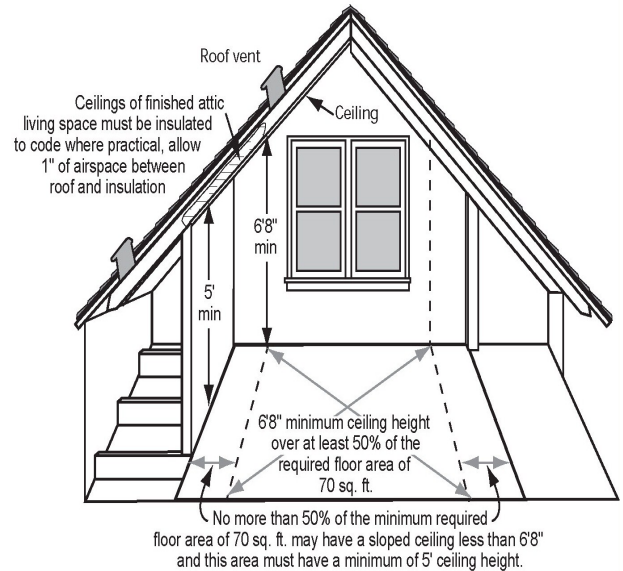
1. An completed application for a Building Permit and its associated fee; and
2. Construction documents signed and sealed by a registered design professional; and
3. REScheck signed and sealed by a registered design professional; and
4. Your contractor's workers compensation insurance or exemption thereof.

NYS Uniform Code requirements that are applicable to an attic conversion.

(Note. These requirements represent some of the applicable standards prescribed in the Uniform Code, not all of them. Lastly, the abbreviation RCNYS stands for the Residential Code of New York State.)

Minimum room area and ceiling height.

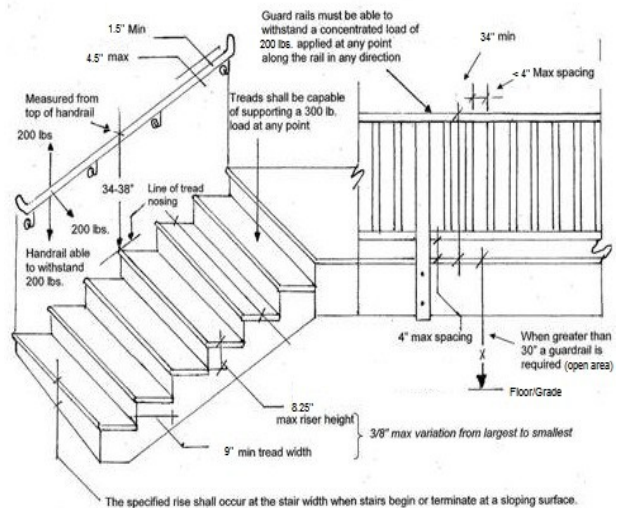
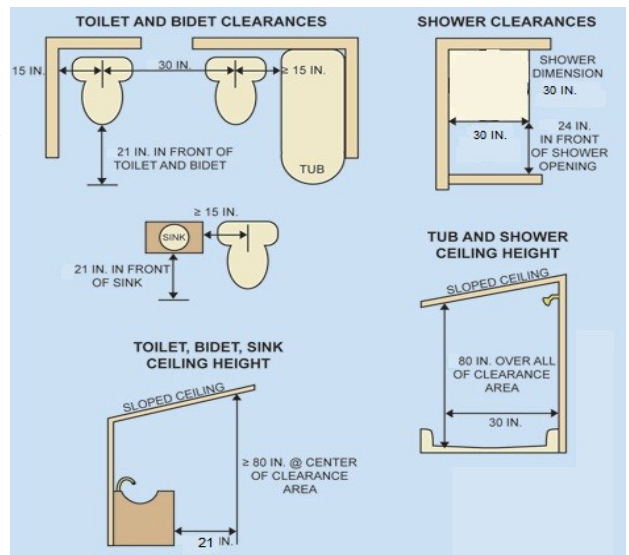
1. Floor area and sloped ceilings: Habitable space must have at least 70 square feet of floor area. Utility and storage rooms, closets, bathrooms or kitchens may be of any size. In living space with sloped ceilings, no more than 1/2 of the minimum required floor area may have a sloped ceiling less than 6’-8” in height with no part of the required floor area less than 5 feet in height. [RCNYS §304.2 and §305.1]
2. Sloped bathroom ceilings: Bathrooms shall have a minimum ceiling height of 6’-8” over a plumbing fixture plus its 21” clearance. A shower or tub shall have a minimum ceiling height of 6’-8” above a minimum area of 30”x30”. [RCNYS §305.1]



Stairs.

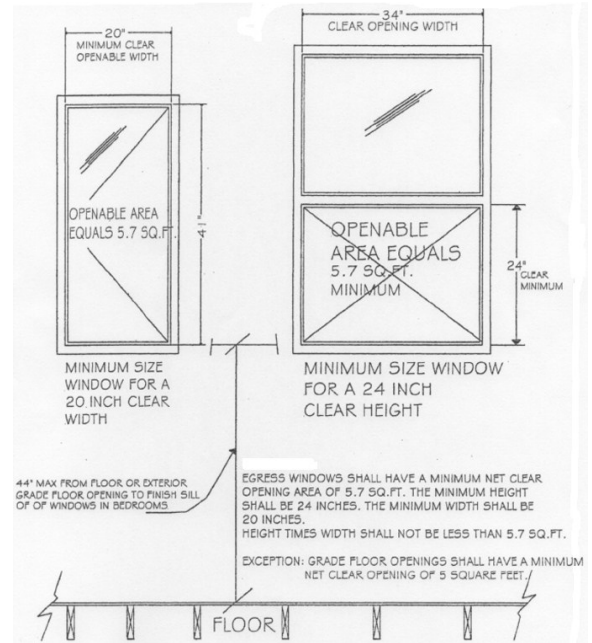
Existing stairways: An existing stairway leading to new living space may be steeper, narrower and have lower headroom than permitted by the NYS Uniform Code. All stairs used as a means of egress to an attic shall conform to the following:

1. Width. Stairways shall not be less than 36” in clear width at all points above the permitted handrail and below the required headroom height. [RCNYS §311.5.1]
2. Headroom. The minimum headroom in all parts of the stairway shall not be less than 6’-8” measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform. [RCNYS §311.5.2]
3. Riser height. The maximum riser height shall be 8.25 inches. The greatest riser height within a flight of stairs shall not exceed the smallest by more than 3/8”. [RCNYS §311.5.3.1]
4. Tread depth. The minimum tread depth shall be 9”. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8”. [RCNYS §311.5.3.2]
5. Landings for stairways. There shall be a floor or landing at the top and bottom of each stairway. The width of each landing shall not be less than the width of the stairway served. Every landing shall have a minimum dimension of 36” measured in the direction of travel. [RCNYS §311.5.4]
6. Handrails. Handrails shall be provided on at least one side of each continuous run of treads or flight with 4 or more risers. Handrail height shall not be less than 34” and not more than 38”. [RCNYS §311.5.6 and §311.5.6.1]
7. Guards. Open sides of stairs with a total rise of more than 30” above floor/grade shall have guards not less than 34”. [RCNYS §312.1]



Emergency escape and rescue openings.

1. Emergency escape and rescue required. Every sleeping room shall have one operable emergency escape and rescue opening. Where such openings are provided, they shall have a sill height of not more than 44 inches above the floor. [RCNYS §310.1]
2. Minimum opening area. All emergency escape and rescue openings shall have a net clear opening of 5.7 sq. ft. [RCNYS §310.1.1]
3. Minimum opening height. The minimum net clear opening height shall be 24". [RCNYS §310.1.2]
4. Minimum opening width. The minimum net clear width shall be 20". [RCNYS §310.1.3]
5. Operational constraints. Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools, or special knowledge. [RCNYS §310.1.4]



Special Construction—Third Story Attic Conversions. Alterations to an existing attic that creates a building height of 3 stories above grade shall conform to the following requirements:

- The building was legally occupied before January 1, 1984; and
- The finished space and its means of egress to the exterior shall be equipped with limited area sprinkler system installed in accordance with NFPA 13D; and
- The finished floor space is provided with:
 - * A second exit stair meeting the requirements of RCNYS §311.5; or
 - * An emergency escape and rescue opening located directly above a roof or other structural appurtenance from which access to grade does not exceed a vertical distance of 14 feet; and
- The entire dwelling is equipped with carbon and smoke detectors that are monitored by an approved supervising station in accordance to NFPA 72.

If any of these requirements cannot be satisfied, the entire building shall be equipped throughout with an automatic sprinkler system installed in accordance to NFPA 13D.

(Note. Illustrations are from Uponor Aqua-Safe residential fire sprinkler systems.)

