



Town of Philipstown

Code Enforcement Office
238 Main Street, PO Box 155
Cold Spring, NY 10516

Office (845) 265- 5202 Fax (845) 265-2687

ZONING PERMIT PACKAGE

EXCAVATION, FILLING and GRADING

- of any area exceeding 2000 square feet
- or removing or filling of more than 100 yards

CLEARCUTTING

- which removes 75% or more of trees six inches or more
- at breast height (4 1/2 feet)
- in an area of 1,000 square feet of land.

PLANNING BOARD APPROVAL REQUIRED

- More than 20,000 square feet of land disturbance that is not performed in connection with an approved building permit, special permit, or site plan.



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1. **BUILDING/ZONING PERMIT APPLICATION** - The applications must be filled out in sufficient detail and signed by the owner of the property or by an authorized agent/contractor with the submission of the AGENT AUTHORIZATION FORM other legal instrument authorizing the applicant to sign and obtain the Building Permit.
2. **WRITTEN DESCRIPTION** – describing the intended construction activities, including clearcutting, grubbing, excavation, filling and grading, and any other activity at the site that results in soil disturbance.
3. **SITE MAP/CONSTRUCTION PLAN** – Submit to sets of plans and drawings including the following information;
 - a. Site map/construction drawing(s) - showing the location and size of the excavation, clearcutting, grading and/or filling area on-site including adjacent off-site surface water(s); wetlands; existing and proposed slopes; location(s) of the stormwater discharge(s) and drainage patterns that could be affected by the construction activity.
 - b. Soil and Erosion Control – show the specific location(s), size(s) and length(s) of each erosion and sediment control practice; Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins; Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five acres shall be disturbed at any one time unless pursuant to an approved SWPPP;
 - c. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;
 - d. Implementation Schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place.

4. **STANDARDS – Design Manual** - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates, that serves as the official guide for stormwater management principles, methods and practices.

Erosion Control Manual - the most recent version of the “New York Standards and Specifications for Erosion and Sediment Control” manual, commonly known as the “Blue Book”.

PUTNAM COUNTY LICENSED CONTRACTORS - a copy of the Putnam County Licensed Home Improvement Contractor license to be submitted with the building/zoning permit .

5. **SANITARY FACILITY** – Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the nonsewered type shall conform to ANSI Z4.3. Plumbing Code of New York State section P311.1.
6. **WORKERS’ COMPENSATION and EMPLOYEE LIABILITY** – Proof of insurance must be submitted from the contractor at the time of application. ACORD FORMS are not acceptable as proof of insurance.
 - Contractor with The State Insurance Fund must submit form U26.3 and DB-120.1. Contractor with Private Insurance must submit form C-105.2 and DB-120.1.
 - Contractor who is self insured must submit form SI-12 or GSI-105.2 and DB-155.
 - Contractors who are exempt from Workers’ Compensation must submit form CE-200.
 - An owner applying for the permit who occupies the residence may submit form BP-1 affidavit.

Chapter 175 ZONING

175-34 F. Excavation, clearcutting, or grading of any area exceeding 2,000 square feet and/or filling with more than 100 cubic yards of material shall require a zoning permit from the Zoning Administrative Officer,

The Zoning Administrative Officer shall not issue a zoning permit for such activities unless the applicant has demonstrated that the activities will not

- alter the runoff characteristics of the property or otherwise
- adversely affect natural drainage or
- structural safety of buildings or lands,
- cause erosion or sedimentation, or
- create any noxious conditions or hazard to public health or safety.

175-34 F. Planning Board Approval Required - Any land disturbance involving more than 20,000 square feet of land that is not performed in connection with an approved building permit, special permit, or site plan, shall require a special permit from the Planning Board.

175-34 I. When the landscaping operation involves removal of more than 250 cubic yards from the lot, written notice of intent to conduct such operation has been given to the Code Enforcement Officer together with Topographic survey, prepared by and bearing the seal of a land surveyor or engineer licensed to practice in the State of New York,

showing the location and limits of the proposed operation on the lot and existing contour lines in the operations area and proposed contour lines resulting from the operation,

such survey to be drawn to a scale of not less than 100 feet equals one inch and with a contour interval not to exceed two feet.

Town of Philipstown Town Code Chapter 175

CLEARCUTTING - A method of harvesting which removes 75% or more of trees six inches in diameter or greater at breast height (4 1/2 feet) in an area of 1,000 square feet of land.

EXCAVATION - The removal of any combination of earth, topsoil, rock, gravel, sand, clay, muck, or other natural deposits.

FILLING - Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds, wetlands or watercourses.

GRADING - The alteration of the slope of surface or subsurface conditions of land, lakes, ponds, wetlands, or watercourses by excavation or filling. (See also § 93-4 of the Town Code.)

175-34 Excavation, filling, grading and clearcutting.

A. Excavation, filling, and grading necessary for the construction of a structure for which a building permit has been issued shall be permitted, provided that it does not change the runoff characteristics of the property or otherwise adversely affect natural drainage or structural safety of buildings or lands, cause erosion or sedimentation, or create any noxious conditions or hazard to public health or safety.

B. In the event that construction of a structure is stopped prior to completion and the building permit expires, the premises shall be promptly cleared of any rubbish or building materials by the property owner, and any open excavation with a depth greater than two feet below existing grade shall either be promptly filled in and the topsoil replaced, or shall be entirely surrounded by a fence at least six feet high that will effectively block access to the area of the excavation.

C. The Planning Board may, in connection with a major project site plan, require an applicant to furnish an irrevocable letter of credit, certified check, or other form of security to guarantee reclamation of areas to be excavated or graded if a project is abandoned. Such security shall be for an amount reasonably related to the potential cost of such reclamation, and shall be in a form deemed acceptable by the Town Attorney.

D. For regulation of soil mining, see § 175-17 of this chapter.

E. No excavation, filling, or grading and no clearcutting of 2,000 square feet or more in preparation for site development shall be undertaken prior to the grant of any special permit, site plan, or subdivision approval required for such development.

F. Excavation, clearcutting, or grading of any area exceeding 2,000 square feet and/or filling with more than 100 cubic yards of material shall require a zoning permit from the Zoning Administrative Officer, unless such excavation, grading, filling, or clearcutting is performed pursuant to an approved site plan, special permit, subdivision plat, building permit, or timber harvesting plan, or as a normal and customary activity conducted in conjunction with a farm operation (as defined in Article XII). The Zoning Administrative Officer shall not issue a zoning permit for such activities unless the applicant has demonstrated that the activities will not alter the runoff characteristics of the property or otherwise adversely affect natural drainage or structural safety of buildings or lands, cause erosion or sedimentation, or create any noxious conditions or hazard to public health or safety. Any land disturbance involving more than 20,000

square feet of land that is not performed in connection with an approved building permit, special permit, or site plan, shall require a special permit from the Planning Board.

G. Excavation and grading activities shall comply with applicable requirements for erosion and sediment control in the Town Code.

H. No person, firm or corporation shall strip, excavate or otherwise remove topsoil for sale, or for use other than on the premises from which it is taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

I. The excavation or grading on any lot, or removal from any lot, of earth, loam, topsoil, sand, gravel, clay or stone are permitted when conducted in accordance with the standards and requirements specified below. All other excavation, grading or removal activities shall be deemed to be mining activities and shall be allowed only within the Soil Mining Overlay District.

(1) Operations in connection with construction of improvements, changing of contours and grading of lots in an approved subdivision plat in accordance with final plat maps, construction plans and grading plans approved by the Philipstown Planning Board under Chapter 112, Land Development.

(2) Operations in connection with bona fide construction or alteration of buildings, structures, off-street parking and loading areas, access, outside storage areas, landscaping and other site development in accordance with a site plan for particular uses and approved by the Philipstown Planning Board, Board of Appeals or Town Board, as the case may be, under Article IX of this chapter.

(3) Operations reasonably necessary in connection with bona fide agricultural pursuits (production of crops, livestock and livestock products, aqua cultural products and woodland products as defined in § 301 of the New York Agriculture and Markets Law), provided that no earth materials are removed from the tract or tracts that constitute the farm unit.

(4) Operations reasonably necessary in connection with the bona fide construction or alteration of a building or structure, and access, parking spaces, structures or facilities accessory thereto and landscaping therefor, for a use permitted in a district as of right, and for which any required building permit has been issued and an application for a certificate of occupancy has been approved, provided that no more than 1,000 cubic yards of earth materials are removed from the lot for which the building permit has been issued and application for certificate of occupancy has been approved.

(5) Bona fide landscaping operations, provided that:

(a) Not more than 1,000 cubic yards of earth materials are removed from the lot where the landscaping operation is being conducted.

(b) The excavation, grading or removal conforms to all of the operations standards set forth in § 175-17.2D(3) through (8).

(c) When the landscaping operation involves removal of more than 250 cubic yards from the lot, written notice of intent to conduct such operation has been given to the Code Enforcement Officer together with topographic survey, prepared

by and bearing the seal of a land surveyor or engineer licensed to practice in the State of New York, showing the location and limits of the proposed operation on the lot and existing contour lines in the operations area and proposed contour lines resulting from the operation, such survey to be drawn to a scale of not less than 100 feet equals one inch and with a contour interval not to exceed two feet.

(6) In addition to the above, the excavation, grading, or removal, in any calendar year, of not more than 100 cubic yards of earth material from each separate 40,000 square feet of lot area.

J. Permitted operations specified in § 175-34I(1) and (2) shall be conducted in accordance with plans approved by the Philipstown Planning Board, Board of Appeals and/or Town Board as specified above. For permitted operations specified in § 175-34I(4), (5) and (6) where the excavation, grading or removal results in disturbed area of 1/2 acre or more or affects a drainage system or regulated wetland or watercourse or may cause drainage flow onto adjoining streets or property, measures for soil erosion and sediment control shall be installed, maintained and completed in accordance with the October 1991 edition of "Guidelines for Urban Erosion & Sediment Control," published by the USDA — Soil Conservation Service, a copy of which is on file in the office of the Town Clerk of the Town of Philipstown.

K. Any land disturbance which violates this § 175-34 shall be remedied by restoring the land to its condition prior to the violation by order of the Zoning Administrative Officer. A land disturbance committed in violation of this chapter shall preclude the issuance of any type of permit for development of the parcel on which such violation occurs for a period of one year from the date the Zoning Administrative Officer determines that disturbance has been remedied.

175-17.2 D.

(3) That measures for noise, visual, soil erosion and sediment control will be installed, maintained and completed in accordance with NYSDEC best management practices.

(4) That slopes will not exceed one foot of rise for two feet of horizontal distance or such lesser slope that the Board may specify as necessary for the public health and safety, soil stability or for the reasonable use of the property after completion of the operation.

(5) There will be no excavation or grading or removal within 50 feet of any property or street line, except excavation or removal that would result in finished grades at or above the elevation of the adjoining street or property.

(6) That after excavation or grading or removal the lot will be cleared of all debris within the period for which the soil extraction permit is granted.

(7) Except in the location of wetlands and watercourses and exposed ledge rock, that the top layer of arable soil for a depth of four inches will be set aside and retained on the lot and will be respread over the excavated or graded area as the work progresses, that a suitable ground cover will be planted and grown to an erosion-resistant condition upon the completion of the excavation or removal in accordance with the approved contour lines and that such work be completed within the period for which the local mining permit is granted.

(8) If required by the Zoning Board of Appeals, that the area to be excavated or a portion thereof be enclosed within a fence of such type, height, and location as the Board approves.