

Grading, Erosion and Sediment Control Permit

The Town Engineer is hereby designated to administer and implement Chapter §128-49 of the Zoning Law by granting or denying Grading, Erosion and Sediment Control Permits in accordance with its provisions.

Grading, Erosion and Sediment Control Permit Applications

- 1) An application for a Grading, Erosion and Sediment Control Permit shall be made to the Town Engineer and shall include the following information:
 - a) If the applicant is different from the owner of the property - A completed application form signed by the applicant and the owner and including a notarized statement signed by the owner authorizing the applicant to act as the owner's agent and binding the owner to the terms of this Chapter and any permit issued hereunder.
 - b) A site plan for the proposed activity, drawn at a scale as determined by the Town Engineer that adequately depicts the area of proposed improvements and/or disturbance using as a base map a current boundary and topographic survey of the property depicting all existing improvements and prepared by a New York State licensed land surveyor. The proposed plan shall depict all proposed improvements to the property and shall be prepared and certified by a professional engineer, a landscape architect, or an architect licensed by the State of New York, showing:
 - (i) The location of the proposed area of disturbance and its relationship to property lines, easements, buildings, roads, walls, and wetlands, if any within fifty (50) feet of the boundaries of said area;
 - (ii) Existing topography of the proposed area of disturbance at a contour interval of not more than two (2) feet. Contours shall be shown for a distance of fifty (50) feet beyond the limits of the proposed area of disturbance, or greater than fifty (50) feet if determined necessary by the Town Engineer in order to fully evaluate the application;
 - (iii) Proposed final contours at a maximum contour interval of two (2) feet, locations of proposed structures, underground improvements, proposed surface materials or treatment, and dimensional details of proposed erosion and sediment facilities, as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions and other similar structures;
 - (iv) The Town Engineer may also require additional information depicting the watershed tributary to the proposed area of disturbance including proposed controls and diversions of upland water;
 - (v) Except for applications involving one single family dwelling, the depth to bedrock and depth to water table shall be identified in all areas of disturbance;
 - c) A soil erosion and sedimentation control plan designed utilizing the standards and specifications contained in the most recent version of "New York State Standards and Specifications for Erosion and Sediment Control." The design, testing, installation, maintenance and removal of erosion control measures shall adhere to these standards and any conditions of this Chapter and the erosion control permit. This plan:
 - (i) Shall describe or depict the temporary and/or permanent structural and vegetative measures that will be used to control erosion and sedimentation for each stage of the project, from land clearing to the finished stage;
 - (ii) Shall delineate the area of the site that will be disturbed and shall include a calculation of the acreage or square footage so disturbed;

- (iii) Shall include a map drawn at a scale as determined by the Town Engineer that adequately depicts the location of erosion and sediment control measures swales, grassed waterways, diversions and other similar structures;
- (iv) Shall provide dimensional details of proposed erosion and sedimentation facilities as well as calculations used in the siting and sizing of sediment basins, swales, grassed waterways, diversions and other similar structures;
- (v) Shall include a timetable and schedule for completion and installation of all elements of the erosion control plan, together with a schedule for completion of the construction and disturbance proposed by the applicant;
- (vi) Shall provide an estimate for the cost of implementing all elements of the erosion control plan; and
- (vii) Shall provide a maintenance schedule for erosion control measures;
- d) The details of any surface or subsurface drainage systems proposed to be installed, including special erosion control measures designed to provide for proper surface or subsurface drainage, both during the performance of the work and after its completion;
- e) Any special reports deemed necessary by the Town Engineer to evaluate the application, including but not limited to detailed soils, geologic or hydrologic studies.
- f) Except for applications involving one single family dwelling, a written narrative explaining the nature of the proposal, including any future development anticipated for the property and whether alternative locations exist for the proposed activity.
- g) Copies of all applications, permits and approvals required by any other local, state or federal agency associated with the construction and site work/disturbance proposed by the applicant;
- h) An application fee in an amount as shall be established by the Town Board.

Review of a Grading, Erosion and Sediment Control Permit Applications

The Town Engineer shall:

- 1) Determine when an application is complete.
- 2) Review the application to determine that the requirements of this section have been satisfied.
- 3) Review each complete application and approve, approve with conditions or deny applications in accordance with this section within sixty-two (62) days of the receipt of a complete application.
- 4) Require the applicant and the applicant's contractor (if any) to execute a notarized statement binding the contractor to the terms of this section and any permit issued hereunder.

Criteria for Granting a Grading, Erosion and Sediment Control Permit

In granting a Grading, Erosion and Sediment Control Permit, the Town Engineer shall find that all of the following conditions have been met:

- 1) The proposed activity will not result in creep, sudden slope failure or additional erosion;
- 2) The proposed activity will preserve and protect existing watercourses, floodplains and wetlands;

- 3) The proposed activity will not adversely affect existing or proposed water supplies or sewage disposal systems; and
- 4) The proposed activity will stabilize all earth cut and fill slopes by vegetative or structural means. Maximum exposed soil slopes shall be thirty-three percent (33%) unless otherwise approved by the Town Engineer.

Surety for a Grading, Erosion and Sediment Control Permit

In order to insure the full and faithful completion of all construction activities related to compliance with all conditions set forth by the Town in its issuance of a Grading, Erosion and Sediment Control permit, the owner/applicant shall provide, prior to construction, a cash escrow account certification or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Town as the beneficiary. The security shall be in an amount to be determined by the Town Engineer based on submission of final design plans and shall be in a form acceptable to the Town Attorney. In addition, the owner/applicant shall name the Town of Bethlehem as an additional insured on all workmen's compensation and general liability insurance policies required to perform the work.

Enforcement of a Grading, Erosion and Sediment Control Permit

Any activity that requires a Grading, Erosion and Sediment Control permit as provided herein, and is commenced without one, or is conducted contrary to the approved Grading, Erosion and Sediment Control permit, shall be deemed a public nuisance and may be restrained by an order to stop work, and/or injunction, and/or direct action by the Town to abate the condition, and/or any other manner provided by law. The Building Inspector may issue a stop-work order for the entire construction and site work/disturbance project, or any specified portion thereof, if it is determined that any of the following conditions exist:

- 1) The construction or the site work/disturbance is being undertaken without a Grading, Erosion and Sediment Control permit as provided in this Chapter;
- 2) The approved Grading, Erosion and Sediment Control permit has not been fully implemented;
- 3) The approved Grading, Erosion and Sediment Control permit is not being maintained; or
- 4) Any of the conditions of the permit are not being met.

David VanLuven
Town Supervisor

Paul Penman, P.E.
Commissioner of Public Works

Eric P. Johnson, P.E.
Town Engineer

TOWN OF BETHLEHEM

Albany County - New York

DEPARTMENT OF PUBLIC WORKS

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Town of Bethlehem Grading, Erosion and Sediment Control Permit Application Form

APPROVAL REQUESTED FOR:

Location of Project/ Street Address: _____

Tax Map Number of all Parcels: _____

(Attach a copy of the current deed and any easements affecting property)

Zoning District(s): _____

Detailed Description of Proposed Activity: _____

Name, Address, E-mail, and Telephone # of Applicant(s): (REQUIRED)

Name, Address and E-mail of Property Owner(s): (If Different from applicant, the owner must complete the attached affidavit) (REQUIRED)

Name, Address and E-mail of Responsible Person for Billing Purposes: (REQUIRED)

Name, Address, E-mail, Phone # of Professional Engineer/Licensed Land Surveyor: (IF APPLICABLE)

Current land use of the site: _____

Total acreage involved in project: _____

Total contiguous acreage controlled by applicant/owner: _____

(This shall include lands owned by family members of the applicant, and any corporation(s), partnership(s), limited liability company(ies) or other entities in which the applicant has an interest.)

The signature of the Owner or Agent of the Owner below shall mean that the applicant is familiar with and will comply with the requirements of the Town Zoning Law, the Town Subdivision Regulations and any additional of amendments therein and other appropriate Town ordinances and regulations with regards to this project.

Signature: _____

Date: _____