



Town of Riverhead Building Department

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Chapter 62 Permit/Exemption Application

Before any excavation, exportation or importation is commenced for any purpose other than those exempted in § 62-5(A) and (B) of this chapter, the owner, lessee or agent of the premises shall obtain a written permit therefore from the Town Board of the Town of Riverhead. For that purpose, such owner, lessee or agent shall file this application with the Building Inspector of the Town of Riverhead pursuant to Chapter 62 of the Riverhead Town Code (attached).

§ 62-4 (A) Town Board Permit

§ 62-5 (A) (1) (2) Exemption from Town Board
Dredging Navigable Waterways or
Agricultural Production Pursuant to 108-3TC

§ 62-5 (B) (1) (2) Exemption from Building Administrator
Construction of Single Family Dwelling/Accessory
Uses or Soil Boring Samples

REQUIREMENTS FOR EXCAVATION / EXPORTATION / IMPORTATION / LAND CLEARING PERMITS

Please note that most of the following forms must be ***signed and notarized***:

1. Building Excavation/Land Clearing Application (sign and notarize);
2. Disclosure Affidavit (sign and notarize);
3. Engineers report for approximate cubic yards to be exported/imported pursuant to § 62-5 (A) (1) (2);
4. Three (3) surveys showing the proposed project;
5. Fee of \$100.00 for the land clearing permit PLUS the excavation fee for the exportation / importation of said materials at the rate of \$2.00 per cubic yard pursuant to § 62-5 (A) (1) (2);
6. Copy of covenant and restrictions when required;
7. Copy of the Signed Site Plan as approved by the Planning Board (when required);
8. Town Attorney is required to review and approve letter of credit as security and accepted by the Town Board by Resolution;
9. The final approval is a Resolution of the Town Board granting the permit/exemption.



APPLICATION FOR BUILDING & ZONING PERMIT

Town of Riverhead
Suffolk County, New York

Tax Map # _____
Section _____ Block _____ Lot _____

Application No. _____ Date ____/____/____ Permit No. _____ Date ____/____/____

Permit Expires: ____/____/____ Zoning District: _____ Disapproved Zoning: _____

Approved By: _____ Building Fee: \$ _____ Electrical Fee: \$ _____ Receipt: _____

All information BELOW to be filled out by APPLICANT: A PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK. This Application is to be submitted ACCOMPANIED by BUILDING PLANS DRAWN TO SCALE IN DUPLICATE, showing elevations, floor plans, run and size of joists, rafters, girders, details of footings and foundation, schematic of plumbing and electrical layouts and grade and species of lumber and quality of all material where applicable.

THE OWNER OF THE PROPERTY IS: (PLEASE PRINT CLEARLY)

First name _____ Last name _____ Business Name _____

Street No. _____ Street Name _____ Hamlet _____

Property Location of Proposed Work

(____) - _____ (____) - _____ (____) - _____
Phone Contact Fax Number Cellular Number

Street No. _____ Street Name _____ Town _____ State _____ Zip _____

Mailing Address (if different from property location):

The person responsible for the supervision of the work insofar as the Building Code and the Zoning Ordinance apply is: **CONTACT PERSON** (if different from owner)

First name _____ Last name _____

Street No. _____ Street Name _____ Town _____ State _____ Zip _____

(____) - _____ (____) - _____ (____) - _____
Phone Number Fax Number Cellular Number

- | | |
|---|---|
| <input type="checkbox"/> Residential Est. of Value \$ _____ | <input type="checkbox"/> _____ Car Attached / Detached Garage |
| <input type="checkbox"/> Commercial Est. of Value \$ _____ | <input type="checkbox"/> Mobile/Modular Home |
| <input type="checkbox"/> Accessory Structure _____ (describe) | <input type="checkbox"/> Demolition |
| <input type="checkbox"/> Addition | <input type="checkbox"/> Single Family Residence |
| <input type="checkbox"/> Alteration | <input type="checkbox"/> New Commercial Structure |
| <input type="checkbox"/> Condo | <input type="checkbox"/> Swimming Pool |
| <input type="checkbox"/> Deck | <input type="checkbox"/> Excavation/Land Clearing: Approx. _____ cubic yards to be removed. |
| <input type="checkbox"/> Bulkhead / Dock | <input type="checkbox"/> Agriculture Worker Housing |
| <input type="checkbox"/> Miscellaneous _____ (Describe) | <input type="checkbox"/> Use Permit _____ (describe) |

Pool Specifications (if applicable)

- | | | |
|--------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> In-Ground | <input type="checkbox"/> Above Ground | <input type="checkbox"/> Hot Tub / SPA |
| <input type="checkbox"/> Pool Heater | <input type="checkbox"/> Propane | <input type="checkbox"/> Natural Gas |
| | | <input type="checkbox"/> Oil Fired |

APPLICATION FOR BUILDING & ZONING PERMIT

Tax Map # _____
Section Block Lot

Please Describe Project and/or Special Conditions:

ZONING SPECIFICATIONS. Fill in for new building, or addition to existing building or a change of occupancy. Indicate on the PLOT PLAN IN TRIPPLICATE, street names, the location and size of the property, the location, size and setbacks of proposed buildings and the location of all existing building. Show proposed building(s) in dotted line and existing building(s) in solid line.

Proposed building _____ sq.ft.

Second (2nd) Floor _____ sq.ft.

Size of proposed addition _____ sq.ft.

Garage _____ sq.ft.

Ground floor _____ sq.ft.

Height (from grade to ridge) _____ ft.

No#. of Bedrooms _____

Impervious Surface _____ %

Electrician:

Company Name License #

Street No. Street Name Town State Zip

Plumber:

Company Name License #

Street No. Street Name Town State Zip

Home Imp:

Company Name License #

Street No. Street Name Town State Zip

Note: All distances are net, as measured from property line to nearest part of building.

All work must be in compliance with the New York State Fire Prevention & Building Construction

AFFIDAVIT

Town of Riverhead)
County of Suffolk) s.s.
State of New York)

I swear that to the best of my knowledge and belief the statements contained in this application, together with the plans and specifications submitted, are true and complete statements of proposed work to be done on the described premises and that all provisions of the BUILDING CODE, THE ZONING ORDINANCE, and all other laws pertaining to the proposed work shall be complied with, whether specified or not, and that such work and inspections are authorized by the owner.

Sworn to me before this _____ day Signature _____
of _____, _____ Owner's Agent, Architect

Notary Public, Suffolk County, New York)

**Read this document carefully.
You may consult your attorney before completing.**

Disclosure Affidavit

STATE OF NEW YORK)

SS:

COUNTY OF SUFFOLK)

I, _____ an applicant for the following relief: _____ and being duly sworn, deposes and says: under the penalty of perjury and swear to the truth thereof.

That I understand that this affidavit is required by Section 809 of the General Municipal Law and that a knowing failure to provide true information is punishable as a misdemeanor. Being so warned, I state:

That _____ is a State Officer, is an officer or employee of Riverhead Town
(Name of Relative)
and:

Check here if not applicable (i.e., you have no relative working for the Town of Riverhead.) and please sign below before a notary public.

That this person has an interest in the person, partnership or association requesting the above stated relief.

That for the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant where he, his spouse, or their brothers, sisters, parents, children, grandchildren or the spouse of any of them.

- a. is an applicant,
- b. is an officer, director, partner or employee of the applicant,
- c. legally or beneficially owns or controls stock of a corporate applicant or is a member of a partnership or association, applicant, or
- d. is a party to an agreement with such an application, express or implied whereby he may receive any payment or other benefit, whether or not for services rendered, dependant or contingent upon the favorable approval of such application, petition or request.
- e. That ownership of less than five (5) per cent of the stock of a corporation whose stock is listed on the New York or American Stock Exchange shall not constitute an interest for the purpose of this section.

(Signature)

Sworn to before me this _____ day

of _____, 20_____

Notary Public

Chapter 62, EXCAVATIONS

[HISTORY: Adopted by the Town Board of the Town of Riverhead 1-5-1965 by Ord. No. 31; amended in its entirety 11-20-2007 by L.L. No. 36-2007. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Conservation Advisory Council -- See Ch. 13.

Sewers -- See Ch. 88.

Streets and sidewalks -- See Ch. 92.

§ 62-1. Declaration of policy.

It is hereby declared to be the policy of the Town of Riverhead to promote the health, safety and welfare of the residents of the Town of Riverhead by preventing improper excavation and/or exportation and/or importation of material as defined in this chapter which would create undesirable conditions or environmental harm to properties and resources within the Town. In addition, it is the policy of the Town of Riverhead to protect the Town's highways and roadways from damage caused by the transportation of large volumes of material over those highways and roadways when such material is legally excavated, exported or imported to or from sites within the Town.

§ 62-2. (Reserved)

§ 62-3. Definitions.

As used in this chapter, the following terms shall have the meanings hereinafter designated:

EXCAVATION -- The extraction, removal or stripping of material from the ground or the breaking of the surface soil in order to facilitate or accomplish the removal, extraction or stripping of material.

EXPORTATION -- The act of causing materials as defined in this chapter to be removed from a parcel of real property located within the Town of Riverhead and transported to another parcel of real property located either inside or outside of the Town of Riverhead. [Added 11-20-2007 by L.L. No. 36-2007]

IMPORTATION -- The act of causing materials as defined in this chapter to be brought to a parcel of real property located within the Town of Riverhead, which materials originated from another parcel of real property located either inside or outside of the Town of Riverhead. [Added 11-20-2007 by L.L. No. 36-2007]

MATERIAL -- Topsoil, loam, earth, sand and/or gravel.

SAFE ANGLE OF REPOSE -- The final angle of a slope as determined by combining the natural angle of repose of the material of the slope with a planting of vegetation having a proper root growth to protect such slope.

§ 62-4. Application for permit.

A. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in Chapter 62. The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board of the Town of Riverhead. Note: a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D and/or Chapter 63. For that purpose, such owner, lessee or agent shall file with the Building Department of the Town of Riverhead a verified application, in duplicate, for such permit or request for exemption containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York or a plot plan reviewed and approved by Natural Resources Conservation Service or Suffolk County Soil and Water Conservation for agricultural production as defined in § 108-3 or such other activities that may qualify for a certificate of exemption, setting forth in detail or including the following information: [Amended 11-17-2009 by L.L. No. 61-2009EN]

(1) A detailed statement of the proposed work and three-dimensional extent of the proposed excavation, exportation or importation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced, and proposed condition of said plot or premises when the work is completed.

(2) An estimate of the total number of cubic feet of material proposed to be excavated, exported or imported from or to the property during the term of the permit, prepared by a licensed engineer.

(3) The elevations of all abutting properties to the extent necessary to indicate the existing drainage condition where the same affects the subject property.

- (4) A duly acknowledged consent, in writing, of the owner of the premises and mortgagee, if any, including his or their addresses.
- (5) Receipted tax bills or a certificate from the Receiver of Taxes of the Town of Riverhead and the County Treasurer of Suffolk County, showing payment of all taxes or assessments to date against the property described in the application.
- (6) A certificate from the Commissioner of Public Works of the municipalities whose highways abut the site of operation, to the effect that the proposed excavation, exportation or importation shown on the plan will not endanger such highways.
- (7) A certificate from the Commissioner of Agriculture and Markets of the State of New York or his duly appointed agent or representative, stating that any material as defined in this chapter to be taken in the area described in the application is apparently free from golden nematode of potato.
- (8) The purpose of the proposed excavation, exportation or importation.
- (9) The existing and the theoretical maximum groundwater level at the location.
- (10) The procedures whereby dust or other fugitive or windborne material shall be controlled.
- (11) The excavation, exportation or importation of material shall be implemented in a manner that achieves a harmonious balance between the existing topography of the site and the authorized activity specified in the permit. It shall be a violation of this chapter for an applicant to excavate, export, or import more material than authorized in the permit or that which is necessary to achieve the desired improvement.
- (12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map.

B. After reviewing the application, the Town Board may require additional information or waive any of the foregoing requirements where deemed necessary. Upon warranted circumstances, the Town Board or its designee reserves the right to require an applicant to submit imported material for testing to determine its physical and/or chemical composition consistent with the declaration of policy pursuant to § 62-1 contained in this chapter. All costs associated with testing the imported material shall be borne by the applicant pursuant to procedures to be determined by the Town Board or its permit shall be issued pursuant to this section unless the applicant has first obtained site plan approval from the Planning Board pursuant to § 108-129 of the Riverhead Town Code.

C. The Town Board shall require that a monitor be employed during the term of the permit to ensure compliance with the terms of the permit. The monitor shall be selected by the Town Board and the cost of the monitor shall be paid for by the applicant.

(1) The monitor shall keep a daily log of all material excavated, exported and/or imported for the subject site. The daily log shall include the number of vehicles and the yardage of material excavated, imported or exported. The license plate number of each vehicle carrying material coming into and leaving the subject site shall be recorded in the monitor's daily log together with the approximate yardage of material carried by the vehicle.

(2) The monitor shall provide a weekly report to the Town Board, the Town-designated engineer and the Building Inspector, regarding the progress of the work on the subject property. The report shall include copies of the daily log kept by the monitor. The report shall also include an estimate by the monitor as to the percentage of the work completed pursuant to the permit at the time of the report.

(3) Should the monitor determine that the work being completed pursuant to the permit will exceed the limits of the permit or that any other violations of the conditions of the permit or the Riverhead Town Code are occurring, the monitor shall have an obligation to immediately notify the Town Board, the Town-designated engineer and the Building Inspector.

(4) At the discretion of the Town Board, the requirement that a monitor be employed as set forth herein may be waived.

§ 62-5. Exempt premises. [Amended 11-17-2009 by L.L. No. 61-2009]

A. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board:

(1) An applicant may qualify for a certificate of exemption for excavation by dredging operations within existing navigable waters upon demonstration of approval by appropriate town, county, state or federal agencies or departments.

(2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil or import material related to or incidental to the harvesting of crops or such other agricultural production shall be exempt from Chapter 62. An applicant may qualify for a certificate of exemption for importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3. As provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land, the exportation of material will not be eligible for a certificate of exemption.

B. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Building Administrator:

(1) An applicant may qualify for a certificate of exemption for importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence and accessory uses related to single-family residences subject to an applicant obtaining permit approval, pursuant to Chapter 52. from the Building Department for such residence or accessory uses, upon submission of a copy of the building permit and survey indicating the amount of material imported, excavated or exported required for said construction.

(2) An applicant may qualify for a certificate of exemption for the excavation or exportation of material, as defined in this chapter, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

§ 62-6. Plan for reclamation.

A. Each application must include a reclamation plan, which may be referred by the Town Board to the Planning Board for its review and recommendations. In its review, the Planning Board may require of the applicant additional data or information bearing upon and relating to the following:

(1) A comprehensive plan for the rehabilitation of the entire area in which the applicant proposes to conduct excavation, exportation or importation operations; it is intended that the plan include not only that site on which operations will be conducted during the year of the permit applied for, but all the area susceptible to and available to the applicant for excavation, exportation or importation operations in the future, as well as any portion of the area where excavations were performed prior to the date of this enactment. The proposed plan of rehabilitation shall set forth the ultimate contour and grade of the area upon completion of excavation, exportation or importation operations, describing the area, including berm and slope areas, to be refilled, if any, topsoiled, seeded, shrubbed or otherwise landscaped, and shall specify the amount and extent thereof to be performed on or before the expiration of the permit applied for. When applicable, such plan of rehabilitation must provide as the minimum that where partial rehabilitation is planned for the area, it shall bear a proportionate relationship to the estimated number of years of excavation operations contemplated.

B. Before a permit will be issued, a reclamation plan must be approved by the Town Board of the Town of Riverhead.

§ 62-7. Denial or suspension of permit.

The Town Board may deny any application for a permit hereunder if it shall find that the proposed excavation, exportation or importation will violate any of the provisions of this chapter, and either the Town Board or the Building Inspector may revoke or suspend any permit issued hereunder if it shall find that the excavation, exportation or importation of material as defined in this chapter thereunder violates any of such provisions.

§ 62-8. Stripping and removal of material.

No excavation, exportation or importation of material as defined in this chapter shall be made within 10 feet of any property line, and upon completion of the work, the premises, if below grade, shall be graded to the level of the abutting highway or the original grade if the same was below the level of the highway. Dust-down or its equal shall be

spread to prevent dust from flying, and there shall be left upon the surface of the land from which material was excavated, exported or imported not less than six inches of topsoil.

§ 62-9. Irrevocable letter of credit or cash deposit.

A. Before the issuance of a permit, the applicant and the owner of record of the premises shall execute and file with the Town Clerk an irrevocable letter of credit approved by the Town Board of the Town of Riverhead, in an amount to be fixed by said Board based upon the estimated cost of the activity at the site. The amount of the performance security to be posted shall be determined by the Town's designated professional engineer. Further, commencement of work on the site in accordance with the permit issued shall constitute an agreement by the permittee to indemnify the Town of Riverhead for any damage to Town property.

B. In the event of a violation of any of the provisions of the permit, such irrevocable letter of credit shall be forfeited to the Town of Riverhead.

(1) The Town Board shall authorize the return of the letter of credit upon receipt of a letter from a licensed engineer certifying that the excavation, exportation or importation was completed in accordance with the permit and approved site plan. Specifically, the engineer shall certify that the total amount of material excavated, exported or imported from or to the site was less than or equal to the amount specified in the permit. Should the engineer determine that the amount of material excavated, exported or imported from or to the premises was in excess of that allowed in the permit, the applicant will be required to pay an amount equal to triple the otherwise applicable fee for the additional yardage excavated, exported or imported, together with the fines imposed for violations of this chapter.

§ 62-10. Fees.

The Town Board or its designee shall charge and collect the following fees for excavation, exportation or importation pursuant to approved site plans, grading plans and realty subdivisions as required by the Zoning Ordinance. EN The officer designated by the Town Board to issue such permits shall charge and collect for each such permit a fee as follows: All fees are due and owing and shall be paid at the time of issuance of the permit. Premises that qualify for one or more of the delineated exemptions in § 62-4 shall not be assessed any fees pursuant to this section.

A. For residential, commercial and industrial subdivision, site plans or grading plans a fee shall be imposed in the amount of \$2 per cubic yard for all material removed from or returned to the site in accordance with Town requirements for drainage, parking and other Town-required improvements and also for any and all purposes and improvements other than those required for compliance with Town requirements. The determination of the fee to be paid shall be made by the Town Board or the Planning Board or their designee subsequent to a review of the estimate submitted.

§ 62-11. Penalties for offenses.

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of the premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of the premises in which part said violation has been committed or shall exist, and the general agent, architect, engineer, surveyor, building contractor or any other person who knowingly permits, takes part in or assists in any such violation or who maintains any premises in which any such violation shall exist shall be guilty of an offense against this chapter. Offenses set forth herein shall be punishable by a fine of not more than \$2,000. Each day's continued violation shall constitute a separate, additional violation of the chapter.