

Chapter 229

EXCAVATION AND GRADING

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[HISTORY: Adopted by the Town Board of the Town of Riverhead as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Highways, streets and sidewalks — See Ch. 237.

ARTICLE I

Excavation

[Adopted 1-5-1965 by Ord. No. 31; amended in its entirety 11-20-2007 by L.L. No. 36-2007 (Ch. 62 of the 1976 Code)]

§ 229-1. 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 article 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.

§ 229-2. Definitions.

As used in this article, 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 article 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.

GRADE — The degree of rise or descent of a sloping surface.[Added 7-16-2013 by L.L. No. 10-2013]

IMPORTATION — The act of causing materials as defined in this article 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.

MATERIAL — Topsoil, loam, earth, sand, gravel, and other material such as wood, stumps, or timber in its natural or reprocessed state.[Amended 7-16-2013 by L.L. No. 10-2013]

NATURAL DRAINAGE — The stormwater runoff resulting from topographical and geographical conditions prior to changing the grade by any method, including but not limited to exportation, importation or grading of the land or portion thereof.[Added 7-16-2013 by L.L. No. 10-2013]

NATURAL GRADE — The elevation of the ground surface in its natural state before alteration.[Added 7-16-2013 by L.L. No. 10-2013]

NATURAL WATERSHED — An area of land which, in its natural state and prior to any change, including but not limited to exportation, importation or grading, and due to its topography and geography, drains to a particular location within that area.[Added 7-16-2013 by L.L. No. 10-2013]

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.

§ 229-3. Application for permit.

- A. The owner, lessee or agent of the premises shall obtain a Chapter 229, Article I, permit or certificate of exemption prior to the excavation, exportation or importation of material as defined in this article. The owner, lessee or agent of the premises shall obtain a Chapter 229, Article I, permit or certificate

of exemption pursuant to § 229-4 of this article from the Town Board of the Town of Riverhead, except applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with a building permit and/or foundation permit prior to application for a permit under this article. Note: A permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 301-303B and D and/or Chapter 229, Article II. 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 § 301-3 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. 61-2009; 7-16-2013 by L.L. No. 10-2013]**

- (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 article 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 article 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. Note: As stated above, applicants seeking to excavate, export or import material related to a proposed site plan or subdivision shall be required to obtain final approval for the site plan or subdivision together with a building permit and/or foundation permit prior to application for a permit under this article. In addition, the Town may limit a permit for projects to be constructed or improved in phases or capable of phased construction or improvement such that the activities permitted under this article run concurrent with the phased construction or improvement.
- 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 § 229-1 contained in this article. 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 § 301-303 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.

§ 229-4. Exempt premises; qualifications for certificate of exemption. [Amended 11-17-2009 by L.L. No. 61-2009; 7-16-2013 by L.L. No. 10-2013]

- A. The following uses and operations by an owner or lessee of premises or by his agent are exempt from the provisions of this article:
- (1) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 301-3 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, provided that the removal of soil 1) shall be limited to that amount of material necessary to plant or harvest crops; and 2) shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above-described activity. As provisions set forth in Chapter 201 and Chapter 301 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, except as set forth above, the exportation of material will not be exempt from the provisions of this article.

- (2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 301-3 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 import material shall be exempt from this article, provided that:
 - (a) The importation of material shall be limited to that amount of material necessary to plant or condition/fertilize so as to enrich soils and restore the opportunity for improved plant growth;
 - (b) The importation of material shall not change the natural grade or slope and/or natural drainage existing on the subject property prior to the above-described activity;
 - (c) Material imported shall not exceed 3,000 cubic yards per year;
 - (d) The importation shall be limited to material defined as "organic material" pursuant to NYS DEC Regulations Part 360(3);
 - (e) The material shall be ground to a size less than six inches in length by two inches in width or chipped to a size of two inches;
 - (f) The material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles; and
 - (g) The material shall not be offered for sale but instead must be used on site.
- (3) An owner or lessee of improved residential property seeking to import material shall be exempt from this article, provided that:
 - (a) The importation of material shall be limited to that amount of material necessary to plant or condition/fertilize lawn and planting;
 - (b) The importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above-described activity is altered;
 - (c) Material imported shall not exceed 1,000 cubic yards per year;
 - (d) The importation shall be limited to material defined as "organic material" pursuant to NYS DEC Regulations Part 360(3);
 - (e) The material shall be ground to a size less than three inches in length by two inches in width or chipped to a size of two inches;
 - (f) The material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles; and

- (g) The material shall not be offered for sale but instead must be used and incorporated into the lawn or planting areas.
- 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 article 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) Importation of materials.
 - (a) An applicant may qualify for a certificate for exemption for importation of materials as defined in this article, provided that such importation is necessary for the purpose of operating, maintaining, or establishing an agricultural operation as defined in § 301-3 and subject to the following conditions:
 - [1] An owner or lessee is engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 301-3 of the Town Code, on lands which qualify for an agricultural assessment pursuant to Article 25-AA of the Agriculture and Markets Law;
 - [2] The importation of material shall not change the grade or slope such that the natural drainage existing on the subject property prior to the above-described activity is altered;
 - [3] The importation of material shall be limited to that amount of material necessary to plant or condition/fertilize so as to enrich soils and restore the opportunity for improved plant growth;
 - [4] Material shall not exceed 10,000 cubic yards per year;
 - [5] The importation shall be limited to material defined as "organic material" pursuant to NYS DEC Regulations Part 360;
 - [6] The material shall be ground to a size less than six inches in length by two inches in width or chipped to a size of two inches;
 - [7] The material shall not include material containing wood creosote, coal tar creosote, coal tar, coal tar pitch and coal tar pitch volatiles;
 - [8] A detailed statement of the proposed work and three-dimensional extent of the proposed importation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced and the proposed condition of said plot or premises when the work is completed;
 - [9] A detailed statement from NYS Agriculture and Markets, Suffolk County Soil Conservation or NRCS; and
 - [10] The material, in its natural or reprocessed state, shall not be offered for sale but instead must be used on site.
 - (b) Note, as set forth in Subsection A(1), 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, and the exportation of material will not be eligible for a certificate of exemption.

- C. 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 article 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 article 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 217, Parts 1 and 2, 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 article, for soil borings, provided that the material excavated or exported is limited to the amount required to obtain the boring sample.

§ 229-5. 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.

§ 229-6. 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 article, 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 article thereunder violates any of such provisions.

§ 229-7. Stripping and removal of material.

No excavation, exportation or importation of material as defined in this article 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.

§ 229-7.1. Open excavations and piles of material. [Added 11-4-2015 by L.L. No. 21-2015]

It shall be unlawful for any person or business entity to leave, cause, permit and/or maintain an open excavation or pile of fill or other material, in connection with the removal of trees or other vegetation, or the installation, repair or maintenance of drainage structures, sewage systems, utility work, foundation or other below-grade construction, in an unsecured, or dangerous, or hazardous condition or place. Such excavation or pile shall be effectively and properly fenced, shored or barricaded to prevent the creation and/or maintenance of an unsafe or hazardous condition while work is being performed, and such conditions shall be remedied as soon as practicable as the work is completed.

§ 229-8. Irrevocable letter of credit.

- 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 article.

§ 229-9. 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 Chapter 301, Zoning and Land Development. 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 § 229-4 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.

§ 229-10. Penalties for offenses.

For any and every violation of the provisions of this article, 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 article. 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 this article.

ARTICLE II

Grading**[Adopted 5-16-1978 (Ch. 63 of the 1976 Code)]****§ 229-11. Purpose.**

It is the purpose of this article to regulate and control the regrading of land throughout the Town in all use district classifications in order to prevent serious and irreparable damage to our natural resources, to minimize and retard the erosive effects of wind and water, to prevent the depreciation of property values, to prevent the removal of lateral support for abutting streets, lands and structures, to prevent damage to natural watersheds, to provide adequate drainage for surface water runoff and, in general, to protect the health, welfare and safety of the residents of the Town.

§ 229-12. Word usage; definitions.

- A. Word usage. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- B. Definitions. For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings given herein:

DRAINAGE FACILITIES — Includes gutters, swales, pipes, conduits and superstructures for the collection and conducting of stormwater to an adequate facility for the storage and disposal of the stormwater.

GROUNDWATER TABLE — The elevation of the top of the water stored in the highest aquifer in the subsoils, at the location of the proposed structure, including but not limited to so-called "perched water," except that where it is demonstrated that removal of the impervious layer underlying the perched water will substantially lower the level of the water, the lower water surface shall be considered the groundwater table. In locations where the groundwater is subject to tidal action, the mean high elevation of the groundwater surface shall be considered the groundwater table.

HABITABLE — The habitable portion of a building is any enclosed area, including cellars and basements, except the following:

- (1) Those areas which are used primarily for storage, repair or access of vehicles and which contain no electrical, mechanical or heating equipment lower than 12 inches above the floor.
- (2) Crawl spaces not exceeding four feet in height in which no electrical or mechanical equipment is or is to be installed.

LATERAL SUPPORT — The resistance to active horizontal pressure of soils provided by either the passive pressure of the adjoining soils or by a retaining wall or structure.

NATURAL DRAINAGE — The stormwater runoff resulting from topographical and geographical surface conditions prior to clearing, regrading or construction.

NATURAL WATERSHED — An area of land which, in its natural state and prior to any man-made change and due to its topography and geography, drains to a particular location within that area.

ONE-HUNDRED-YEAR-FLOOD LEVEL — The highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year),

as said level is shown on the Flood Insurance Rate Maps set forth in Chapter 233, Flood Damage Prevention, § 233-6, and on file with the Town Clerk and Engineering Department of the Town of Riverhead.¹

REGRADE — To change the elevation of the ground surface, either temporarily or permanently.

STABILIZATION — Treatment of subsoils to increase ability to resist lateral pressures and/or treatment of surface to resist wind and water erosion.

STORMWATER RUNOFF — The amount of rainwater which, due to topographical surface conditions and geology of the upstream land, drains to a particular location, or the rate at which the rainfall passes through a particular location.

§ 229-13. Minimum standards.

The following standards for the development of land or the regrading thereof, or both, shall apply in all use district classifications as set forth in Chapter 301 of the Code of the Town of Riverhead. In all use district classifications wherein site plan review and approval is required, the site plan submitted shall indicate compliance with the following standards. In all other use district classifications, the procedure required by § 229-14 of this article shall be followed.

- A. Stormwater runoff or natural drainage shall not be diverted so as to overload existing drainage systems, create flooding, cause erosion or the need for additional drainage facilities on other private or public real property.
- B. Adequate drainage facilities for stormwater runoff shall be provided.
- C. Proposed slope embankments along adjoining property lines and street frontages shall have a slope not steeper than one foot on three feet 33 1/3% unless an adequate stabilization or retaining wall is provided as approved by the Planning Board. All slopes shall be adequately stabilized with topsoil and seeding or other approved planting.
- D. The finished grade at a point not less than 10 feet from the building shall be at least one foot below the lowest exterior opening in the foundation of the habitable portion of the structure, except that the finished grade may be no less than six inches at a point no less than 10 feet opposite open porches, patios and pedestrian ramps.
- E. Floor elevation. Floor elevations shall comply with the requirements of Chapter 233, Flood Damage Prevention, of the Town of Riverhead Code.²
- F. Front and rear yards shall have a grade of not more than 5% for a distance of 25 feet as measured in a horizontal plane from the structure. Side yards shall have a grade of not more than 10% for a distance of 10 feet as measured in a horizontal plane from the structure. All finished grades within 10 feet of the building shall pitch away from the building at a grade rate of not less than 2%.
- G. Where roof runoff from any building or structure will produce erosion or drainage problems with respect to adjoining properties, dry wells of adequate capacity shall be installed as an outfall for rainfall roof runoff.
- H. The driveway apron shall be at least one foot below the garage floor unless natural topography dictates grading away from the street and protective grading is provided for in the construction of the

1. Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. I).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 101, General Provisions, Art. I).

driveway with respect to adjoining structures and property.

- I. Notwithstanding the foregoing provisions of this section, the appropriate board may waive or modify compliance with any of the foregoing minimum standards, subject to appropriate conditions, as in its judgment are not warranted by the special circumstances of any application or matter before it or required in the interest of the public health, safety and welfare.

§ 229-14. Referral of building permit and certificate of occupancy applications.

All applications for a building permit and a certificate of occupancy shall be referred to the Building Inspector or Zoning Administrator for their review and approval pursuant to this article. The Building Inspector or Zoning Administrator may approve, disapprove or approve with modifications the application for a building permit and/or a certificate of occupancy and specify his reasons for taking such action based upon the standards set forth in § 229-13. The applicant may be required to submit a topographical survey prepared by a registered land surveyor or registered professional engineer showing the existing topography, proposed regrading plan, test borings and the proposed structure or other on-site improvements in sufficient detail along with any other information which may be required to determine compliance with this article.

§ 229-15. Penalties for offenses.

- A. No persons shall regrade or cause to be regraded any property which when regraded shall be in violation of the standards set forth in § 229-13 of this article. Any person violating this section shall be guilty of an offense punishable by a fine not to exceed \$500 or by imprisonment for a period not to exceed six months, or both.
- B. No person shall erect or alter any building or structure which violates or causes a violation of the minimum standards specified in § 229-13 of this article. Any person violating this section shall be guilty of an offense punishable by a fine not to exceed \$500 or by imprisonment for a period not to exceed six months, or both.