

VILLAGE OF AIRMONT

LOCAL LAW #__ of 2015 Amending Section 91, titled Tree Removal, Clearing, Filling and Excavating, adding language to section 91-9, Definitions, and adding section 91-3.1, General Requirements, owner-occupied single-family or two-family residence, adding language to section 91-4, Procedure, and deleting "or a day-camp" in section 91-3.

A LOCAL LAW TO AMEND section 91 of the Village Code of the Village of Airmont adding definitions and a section regarding soil movement regulation for an owner-occupied single family or two-family residence or a day camp.

BE IT ENACTED by the Village Board of the Village of Airmont as follows:

Title: § 91-9. Definitions.

Body:

MOVE

To dig, excavate, remove, deposit, fill, grade, replace, level or otherwise alter, disturb or change the location or contour of land or to transport or supply the same. This term shall not be construed to include plowing, spading, cultivating, harrowing or disking of soil or any other operation usually and ordinarily associated with the tilling of soil for agricultural or horticultural purposes.

OWNER

Any person seized in fee simple of any lot.

REDISTRIBUTION

Any change or alteration in the grade of any property.

SOIL

Earth, sand, clay, loam, gravel, humus, rock or dirt, without regard to the presence or absence of organic matter and any debris, whether organic or construction debris, including but not limited to asphalt and concrete.

TOPSOIL

Soil that, in its natural state, constitutes the top layer of earth and is composed of 2% or more, by weight, of organic matter and has the ability to support vegetation.

Title:§ 91-3.1 General Requirements, owner-occupied single-family or two-family residence

Body:

A. Permit required. - No person shall move any soil or change or alter the grade of any property within the Village without first obtaining a soil removal permit.

B. Exceptions. - The provisions of this chapter shall not apply to the following operations:

1. The moving of 100 cubic yards or less of topsoil within a twelve-month period.

2. The moving of soil for the installation of septic tanks or sanitary disposal systems for which applicable permits have been issued by the Board of Health, except for mounded systems.

3. The moving of soil for the installation of underground utility lines, provided that all necessary permits have been issued.

4. The moving of soil for parking areas, provided that the required permits have been obtained.

5. The moving of soil for detention or retention basins or similar water control measures approved by the Village, provided that such soil removal is only for development containing less than two acres.

6. Abandoned wells, septic systems, or cisterns may be filled in without a soil removal permit, provided that the owner of the lot or his agent completes and files a permit form with the Rockland County Health Department with a copy to the Village Building Department prior to commencement of the work to be performed.

C. Permit to be issued to owner/agent; term of permit. - No soil removal permit shall be issued to any person other than the owner or owner's agent of the lot, and then only if the excavation, moving or removing of soil from, in or upon the lot is necessary for the immediate development of the property and the normal grading of the lot concerning which the application is made. No permit shall be issued for longer than one year.

D. Issuance of soil removal permit. - The soil removal permit shall be issued by the Building Department or Planning Board in accordance with the provisions of this chapter.

E. Minor soil removal permit. - Anyone engaged in the movement or removal of soil of 1,500 or fewer cubic yards shall make application to the Building Department for a permit prior to commencing operations. The Building Department shall require review and approval by the Village Engineer, who shall be guided by the criteria and factors set forth in this chapter. The issuance of a minor soil removal permit shall be by review and approval of the Village Engineer.

F. Major soil removal permit. - A major soil removal permit involving the movement or removal of 1,500 cubic yards or more of soil shall be required to be approved by the Planning Board after a public hearing, with notice being required to be given to all persons as set forth in the Village Code. The issuance of a major soil removal permit shall be by the Planning Board.

Title:§ 91-4 Procedure

Body:

F. The application for a Minor soil removal permit shall include as follows:

- (1) The name and address of the owner of the land.
- (2) The description of the lands in question, including the lot and block numbers of the land as shown on the current Tax Map of the Village.
- (3) The purpose or reason for moving the soil.
- (4) The type and quantity in cubic yards of soil to be moved.
- (5) The location to which the soil is to be moved.
- (6) The proposed dates for commencement and completion of the work.

(7) A description of the equipment to be used in the excavation and moving of the soil, number and size of trucks and other vehicles to be used.

(8) Name and address of the person having express charge, supervision and control of the proposed excavation work.

(9) A listing of the route to be used by the vehicles in moving or installing the soil.

(10) A written statement of plans to control soil erosion.

(11) Proof of liability insurance in such an amount and form as the Village may require.

(12) A statement granting permission to Village officials or their employees to enter the premises and make surveys and inspections as the work progresses.

G. The procedure for applying for and issuance of a Major soil removal permit shall be in accordance with section 91-4.

Title:§ 91-3 General regulations

Body:

Remove the words "or a day-camp" from paragraph A.

Effective Date:

This local law shall take effect immediately upon its filing with the Secretary of State or otherwise provided by Law.