

VILLAGE OF CHESTNUT RIDGE  
LOCAL LAW NO. 11 OF THE YEAR 1987

**A local law KNOWN AS THE CLEARING, FILLING AND EXCAVATION LAW OF THE VILLAGE OF CHESTNUT RIDGE**

Be it enacted by the Board of Trustees of the Village of Chestnut Ridge as follows:

Section 1. Title.

This local law shall be known as "The Clearing, Filling and Excavation Law of the Village of Chestnut Ridge".

Section 2. Purposes.

The Board of Trustees of the Village of Chestnut Ridge hereby finds that uncontrolled clearing, filling or excavating of land may cause serious health, safety and environmental problems including erosion, siltation, flooding and other potential harmful effects. It is the purpose of this local law to prevent such harmful effects and thus to promote the public health, safety and welfare in the Village of Chestnut Ridge.

Section 3. General regulations.

A. General Regulations

- (1) A permit from the Planning Board shall be required for any operation, under this law, which is hereby defined as any land filling, excavation, regarding, removal, stripping, or disturbance of topsoil, earth, sand, gravel, rock, or pond, or the removal of trees 12 inches diameter breast height or greater which are more than 100 feet from an existing one-family residence, except as provided in Section 3C and Section 3D hereof. No existing operation shall be extended in area, except as provided in Section 3D hereof, without first securing a permit therefore.
- (2) A blasting permit from the Building Inspector shall be required for any blasting.

B. Prohibited Operations

- (1) There shall be no processing of fill, topsoil, earth, sand, gravel, rock or other substances from the ground on the premises except for use on the same premises.
- (2) There shall be no operation commenced or carried on which is primarily for the purpose of the sale or exchange of fill, excavated topsoil, earth, sand, gravel, rock or other substance from the ground.

- (3) Material used for land filling must be clean, non-organic and non-burnable before being delivered to the site. Such material shall not contain garbage disease-producing organisms, harmful radioactivity, or any other substance which may be considered harmful by the Planning Board. No material may be used for this purpose which will produce obnoxious odors, or either cause or require covering or other measures to prevent the attraction of rats or other vermin, flies, mosquitoes, or other harmful insects.
- (4) There shall be no blasting, or rock drilling activities commenced or carried on at any location within 100 yards of a church, school or camp as defined in the Zoning Law of the Village of Chestnut Ridge or any playground or recreational field associated therewith, during the hours when such church, school, or camp is used by children under the age of eighteen years in connection with the operation thereof.

C. Other Permits or Approvals Deemed a Permit.

- (1) Building Permit Deemed a Permit: A duly issued building permit for a building and/or its accessory structures shall be deemed to be the permit for such land filling excavations and/or its accessory structures and driveways, provided that the volume of any added fill or excavated material removed from the property does not exceed two times the volume of the cellar and foundation of the dwelling and/or accessory structures for which the building permit was issued. The Building Inspector shall suitably endorse the building permit to the effect that such land fill and/or excavation and removal is permitted, and shall specify thereon the maximum volumes of added fill and/or excavated material which may be removed.
- (3) Approved Subdivision Construction Plans Deemed a Special Permit: Where the Planning Board has approved, with or without conditions, the construction plans for proposed streets and drainage facilities in new subdivisions, the approved construction plans shall be deemed to be a duly issued permit for such operation within the rights-of-way and slope rights of the proposed streets and areas reserved for drainage facilities as may be necessary for their establishment, provided that if there is to be land filling and/or removal of excavated material said fill and/or removal shall be disclosed as an integral part of the subdivision plans. All operations outside such street right-of-way and slope rights and drainage facilities shall be subject to the permit and approval requirements of this local law, unless such operation is shown on an approved grading plan as part of said construction plans, the rehabilitation of the disturbed areas is bonded as a condition of subdivision approval, and provided, if there is to be land filling and/or removal, said operation shall be disclosed as an integral part of the subdivision plans. For the purposes of this section the term Planning Board shall be deemed to include the Planning Board of the Town of Ramapo.

(3) Approved Site Plans Deemed a Special Permit: Where the Zoning Law requires the approval of a site plan and when, in the opinion of the Planning Board, the finished elevations shown on these plans are necessitated or required for the intended land use and/or by other provisions of this local law, the approved final site plan shall be deemed to be a duly issued permit for the necessary land filling and/or excavation and removal of material from the property, provided that the rehabilitation of the disturbed areas is bonded as a condition of site plan approval and provided that such operation is disclosed as an integral part of the site plan. For the purposes of this section, the term Planning Board shall be deemed to include the Planning Board of the Town of Ramapo.

(4) Notwithstanding any other provision of any other subparagraph of Section 3C of this Local Law, no building permit, approved subdivision construction plan, or approved site plan shall be deemed to be a blasting permit.

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D. Exceptions.

(1) Waiver: The Planning Board may waive the permit requirements for an excavation or filling operation involving less than 100 cubic yards of material.

(2) Village of Chestnut Ridge: The provision of this local law shall not apply to operations conducted by or for the Village of Chestnut Ridge, or any department or agency thereof.

(3) Farming: The provisions of this local law shall not be construed as prohibiting or limiting the normal use of land for farming or gardening, or similar agricultural or horticultural uses in any district.

(4) Lawns and Gardens: The provisions of this local law shall not be construed as prohibiting or limiting the normal addition of topsoil or fertilizer to lawns and gardens, or the addition of gravel or material for the primary purpose of improving or beautifying the surfaces of previously graded areas.

Section 4. Procedure.

A. Application

The site plan required for an application for any permit required by this local law shall include the following items:

(1) The area proposed to be disturbed and its relation to neighboring properties, together with buildings, roads, and natural water courses, if any, within 250 feet of the boundaries of the said area. An inset map at a reduced scale may be used, if necessary and helpful.

- (2) The area that is to be disturbed by the proposed excavation or land filling.
- (3) The estimated maximum quantity of material to be excavated and/or removed and the estimated maximum quantity that will be used for regarding or filling, computed from cross sections of a proposed excavation or disturbed area.
- (4) A description of any material to be used for land filling, and, where fill is to be brought onto the premises, its source, method of transport and estimated volume.
- (5) The location of any well, and the depth thereof, and the location of natural watercourses, if any, located within 50 feet of the proposed disturbed area.
- (6) The location of any sewage disposal system, any part of which is within 50 feet of the proposed disturbed area.
- (7) Existing topography of the area proposed to be disturbed at a contour interval of not more than two feet. Contours shall be shown for a distance 50 feet beyond the limits of the proposed disturbed area.
- (8) The proposed final contours at a maximum contour interval of two feet.
- (9) The location and present status of any previous operations of the type contemplated by this local law of the property within the preceding year.
- (10) The details of any drainage system proposed to be installed and maintained by the applicant, designed to provide for proper surface drainage of the land, both during the performance of the work applied for, and after the completion thereof.
- (11) If a proposed excavation is for the purpose of making a lake or pond, the details of the proposed construction of the dam or other structure or embankment intended to impound the water, together with the details and location of proposed discharge and of a valved outlet for drainage purposes.
- (12) The rehabilitation proposed, and the estimate of the cost of such work in accordance with the standards of this section.

B. Board Action

The Planning Board shall approve, approve with conditions or disapprove applications under this local law within 60 days of the receipt of a complete application.

C. Village Engineering Consultant: Review and Report

- (1) The Planning Board shall refer each application to the Village Engineering Consultant for review and report in accordance with the standards and requirements of this local law and the Zoning Law. The Village Engineering Consultant shall prepare and submit a report setting forth his findings and recommendations to the Planning Board.
- (2) The Village Engineering Consultant's report shall state whether or not the following criteria are met:
  - a. The location and size of the proposed operation, the nature and intensity of the work involved and the size of the site in relation to the operation are such that, upon completion of the operation and the establishment of the permitted use, the site will be in harmony with the appropriate and orderly development of the area in which it is located.
  - b. The proposed operation is not in conflict with any requirement of this local law, the Zoning Law or any other local law of the Village of Chestnut Ridge.
  - c. The proposed operation is incidental to the establishment, improvement or operation of a use permitted in the zoning district in which the property is located.
- (3) The Village Engineering Consultant's report shall include an estimate of the cost to perform the work including the rehabilitation of the site, by the applicant, and any special condition or other safeguards deemed necessary or desirable for the proposed operation. Said estimate and recommended conditions shall be included even if the Village Engineering Consultant recommends denial of the application.

D. Required Performance Bond

- (1) No permit shall be issued by the Planning Board pursuant to this local law until the applicant shall have posted a performance bond in the amount of one hundred (100%) percent of the cost to perform the work and rehabilitation with the Village insuring conformance with the approved plans and all applicable regulations, restrictions and special conditions. Such performance bond shall become effective only if and when the Board of Trustees shall have approved same as to amount, form, surety, and manner of execution. The Planning Board shall set a reasonable time limit for the performance of the work shown on the approved plans, not to exceed one year, except in the case of continuing operations contemplated by this local law, in which case a permit shall only be extended if the bond is correspondingly extended by the Board of Trustees.
- (2) Permits issued under this local law shall expire within the time limit set by the Planning Board as provided herein except that the Planning Board, after complete review of all plans and examination of work accomplished and

proposed, may extend permits for such further periods of time as may be fixed by the Board.

E. Rehabilitation of Site

Upon completion of the work permitted, the site shall be rehabilitated in accordance with the following standards:

- (1) The final slope shall be finished at a slope no steeper than one foot vertically for each two feet horizontally for any material other than rock, except where supported by a retaining wall or foundation. Finished surface excavated to edge rock shall have a slope no steeper than six feet vertically for each one foot horizontally.
- (2) Excess materials shall first be used in filling all open pits, quarries, etc., and the remaining material shall either be removed from the premises or graded and covered with topsoil and seeded as hereinafter provided.
- (3) A minimum of 4 inches of topsoil shall be replaced over all ground surfaces exposed by any operation contemplated herein except rock, roads, driveways, parking places, garden spaces and surfaces excavated below high water marks of lakes, ponds, or streams, so that a stand of grass or other permanent cover will be established within two growing seasons. These ground surfaces shall be seeded as required to prevent erosion before the permanent cover becomes established.
- (4) Where a permit has been issued for an excavation for the purpose of making a lake or pond, the provisions of this local law applicable to grading, refilling, and seeding shall not apply to that part of the excavation below the high water mark of such lake or pond.

Upon completion of all rehabilitation work, the applicant shall notify the Planning Board. The Planning Board shall make or cause to be made a field inspection of the site to determine if all work has been completed in accordance with the terms of the permit and the approved plans. The Planning Board may request the assistance of the Village Engineering Consultant in the determination of the degree of compliance. The Planning Board shall make a report to the Board of Trustees upon the completion of its investigation, describing the degree to which the operation is in conformance with the terms of the permit and plans, together with its recommendation as to the release of the performance bond posted.

Section 5. Procedure for Blasting Permit

A. Application

The application for any blasting permit required by this local law shall include the following items:

- (1) A site plan including the following information:

- a. The area proposed to be disturbed and its relation to neighboring properties, together with buildings, roads, underground utilities, and natural water courses, if any, within 1,000 feet of the boundaries of the said area. An inset map at a reduced scale may be used, if necessary and helpful.
  - b. The area that is to be disturbed by the proposed blasting.
  - c. The location of any well, and the depth thereof, located within 500 feet of the proposed disturbed area.
  - d. The location of any sewage disposal system, any part of which is within 500 feet of the proposed disturbed area.
  - e. The rehabilitation proposed.
- (2) The name, address and telephone number of the person in charge of the proposed blasting operations.
  - (3) Evidence that such person is duly licensed to conduct blasting operations.
  - (4) A description of the blasting procedure to be used, including type explosive charge.
  - (5) Furnish and man seismographs as required by the Building Inspector at locations to be determined by the Building Inspector, showing that the maximum particle velocity does not exceed 0.2 inches per second. If any blast exceeds this requirement, blasting shall cease immediately. The seismographs shall be furnished and manned by an independent testing agency with five (5) years previous experience.

B. Village Engineering Consultant Review and Report

- (1) The Building Inspector shall refer each application to the Village Engineering Consultant for review and report in accordance with the standards and requirements of this local law.
- (2) The Village Engineering Consultant shall review each application and report to the Building Inspector as to whether or not the proposed blasting operation poses a danger to persons and property in the vicinity of the area proposed to be disturbed and whether the measures proposed to protect persons and property from such danger are sufficient.
- (3) The Village Engineering Consultant shall recommend to the Building Inspector which parcels of property should be specifically listed as additional named insureds on the certificate of insurance to be filed in accordance with the requirements of Section 5D of this Local Law.

C. Approval or Disapproval

The Building Inspector shall approve or disapprove the application for a blasting permit within 20 days of the receipt of a complete application.

D. Required Certificate of Insurance

No blasting permit shall be issued by the Building Inspector pursuant to this Local Law until the applicant shall have filed a certificate of insurance with the Village which shall comply with the following requirements:

(1) The insurance carrier for the blasting contractor shall be an A rated company licensed to do business in the State of New York.

(2) The certificate of insurance shall name the required additional named insured as follows:

“The following are all named as additional named insureds with all rights and privileges of the policy contract without the responsibility to pay premiums: the Village of Chestnut Ridge and the owners of each of the following lots as designated on the Town of Ramapo Tax maps: . . . .”

(3) The blasting contractor shall maintain Liability coverage for a minimum period of 2 years after completion of blasting operations.

(4) The certificate of insurance shall show Liability coverage, with limits of liability for bodily injury or property damage of at least \$4,000.00 and shall specify that explosion, collapse, and underground hazards are included in such coverages.

(5) The certificate of insurance shall indicate the following cancellation clause: “The coverage afforded under the policies will not be cancelled or allowed to expire unless 30 days written notice is given to the addressee of this certificate”.

E. Required Indemnification Agreement

No blasting permit shall be issued by the Building Inspector pursuant to this Local Law until the applicant shall have filed an executed indemnification agreement with the Village, which shall provide as follows: “The Contractor shall indemnify and hold harmless the Village of Chestnut Ridge and its agents and employees from and against all claims, damages, losses, and expenses, including attorneys’ fees, arising out of or resulting from the performance of the blasting work, provided that any such claim, damage, loss or expense (a) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the blasting work itself), including the loss of use resulting therefrom, and (b) is caused in whole or in part by any act or omission of the Contractor, any subcontractor, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder”.



F. Required Notice

Whenever a blasting permit shall be issued pursuant to this Local Law, written notice shall be given to property owners at their respective addresses as shown on the latest assessment roll of the Town of Ramapo as to all improved properties within an area designated by the Building Inspector. Said area shall include all properties which the Building Inspector shall determine may be substantially affected by the proposed blasting. Said notice shall state the date on which blasting is proposed to commence and the estimated date when blasting will be completed. Said notice shall be mailed by certified mail, return receipt requested, at least ten (10) calendar days before the proposed commencement of blasting and shall be placed at each property in a conspicuous place at least three (3) days before commencement of blasting. An affidavit of mailing or delivery of the notice, designating the name and address of each property owner notified shall be filed with the Building Inspector before commencement of blasting. Failure to furnish evidence of such notice shall be grounds for revocation of a blasting permit by the Building Inspector.

Section 6. Appeals.

Any person aggrieved by an action of the Planning Board in approving or disapproving an application before it under this local law may take an appeal therefrom to the Board of Appeals of the Village of Chestnut Ridge.

Section 7. Enforcement.

The Code Inspector or Building Inspector shall issue and post notices of violations of this local law. In addition, by resolution, the Board of Trustees may direct the Code Inspector or Building Inspector to make such inspection and reports, initiate and take such court proceedings and perform all other actions as required by the Board of Trustees as may be necessary to enforce this local law or to invoke penalties for its violation.

Section 8. Penalties.

Any person who shall violate any provision of this local law or any other regulation made under authority conferred thereby, or who shall build or alter any structure or use any land in violation of any statement or plan submitted and approved thereunder, or who shall knowingly assist therein, shall be liable to a fine of not more than \$5,000.00 or imprisonment not exceeding 15 days or both such fine and imprisonment. Each day's continued violation shall constitute a separate and additional violation. In addition to the foregoing provisions, the Village shall have such other remedies for any violation or threatened violation of this local law as is now or may hereafter be provided by law.

Section 9. Fees.

Referrals under this local law shall be accompanied by a fee as listed in the Fee Schedule adopted by the Board of Trustees.

Section 10. Definitions.

For the purpose of this local law, certain words and terms used herein are defined as follows:

BOARD OF APPEALS – The Board of Appeals of the Village of Chestnut Ridge

BOARD OF TRUSTEES – The Board of Trustees of the Village of Chestnut Ridge

BUILDING – Any structure having a roof, self-supporting or supported by columns or walls, which is permanently affixed to the ground, and intended for the shelter, housing or enclosure of persons, animals or chattel.

BUILDING, ACCESSORY – A building subordinate to the main building on the lot and used for purposes customarily incidental to that of the main building. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

BUILDING INSPECTOR – The Building Inspector of the Village of Chestnut Ridge.

CODE INSPECTOR – The Code Inspector of the Village of Chestnut Ridge.

OPERATION – As defined in Section 3A of this local law.

PLANNING BOARD – The Planning Board of the Village.

STRUCTURE – Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. Included are swimming pools, parking garages and tennis courts, but not anything requiring only simple paving or surfacing of the ground such as parking lots, driveways or sidewalks.

SUBDIVISION CONSTRUCTION PLANS – Drawings as defined in and in compliance with all requirements of the Land Subdivision Regulations in effect in the Village of Chestnut Ridge.

VILLAGE ENGINEERING CONSULTANT – The Village Engineering Consultant of the Village of Chestnut Ridge.

ZONING DISTRICT – A zoning district as specified in the Zoning Law in effect in the Village of Chestnut Ridge.

ZONING LAW – The Zoning Law in effect in the Village of Chestnut Ridge.

Section 10. Effective date.

This local law shall take effect immediately.

ADOPTED: May 22, 1987