

Grading Permit

- **Permit Required**

- A grading permit is required for all excavating, mining, grading, regrading or filling of land except as follows:
 - A construction project where a building permit was issued and the excavating or grading is part of the construction project.
 - Any work related to a septic system.
 - The construction of nondrainage infrastructure improvements pursuant to a valid public improvement permit.
 - The excavating, regrading, or filling of land where such activity will involve less than two cubic yards per thousand square feet of gross lot area, or 60 cubic yards of material, whichever is less, at a site over a period of 12 successive calendar months, provided that such work does not cause a danger of surface waters flooding adjacent property and no stream, watercourse or floodway is filled or diverted from its course.

- **Applying for a Permit**

- The following information is required to obtain a grading permit:
 - Detailed statement of quantities of fill material involved.
 - Sworn consent, in writing, of the owner of the site, including his address.
 - Proof that all taxes and assessments against the site have been paid to the date of application.
 - A proposed work plan prepared by a licensed professional engineer or land surveyor that includes the following:
 - The condition of the plot or premises before and after proposed work.
 - The drainage system to be installed by the applicant to insure proper surface drainage of the site and adjacent property at all times during and after completion of work.
 - A topographic site plan drawn to a scale of not less than one inch equals 50 feet with contours of existing

ground at intervals of one foot, or spot evaluations on a fifty-foot grid, based on United States Coast and Geodetic Survey datum.

- Existing buildings and utilities.
 - Lot lines and lot dimensions.
 - The street or streets on which the site occupies frontage.
 - Cross-sections at one-hundred-foot intervals extending from the center line of the frontage street to 25 feet beyond the property limits of the site. Such cross-sections shall indicate elevations, at intervals of 50 feet, of both existing and proposed ground surfaces.
- Insurance Requirements:
 - The contractor performing the construction shall provide proof of liability insurance, working compensation, and disability insurance by providing the following:
 - Liability Insurance:
 - Provide a Certificate of Insurance.
 - Workers Compensation:
 - Provide either Form C-105.2, Certificate of Workers' Compensation Insurance, or
 - Form SI-12, Certificate of Workers' Compensation Self-Insurance, or
 - Form CE-200, Certificate of Attestation for New York Entities With No Employees and Certain Out of State Entities, That New York State Workers' Compensation Insurance Coverage is Not Required.
 - Disability Benefits:
 - Provide either Form DB-120.1, Certificate of Disability Benefits Insurance, or
 - Form DB-155, Certificate of Disability Benefits Self-Insurance, or
 - Form CE-200, Certificate of Attestation for New York Entities With No Employees and Certain Out of State Entities, That New York State Disability Benefits Insurance Coverage is Not Required.

- Homeowners performing the construction shall fill out an Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance.
 - The following information may be required to obtain a grading permit:
 - Environmental assessment form.
 - Site plan approval from the Town Board.
 - Copies of regulatory permits.
 - Bond.
 - Allow up to ten (10) working days for the permit application to be reviewed. A staff member will contact you when the permit is ready or if additional information is required.
- **Fees**
 - Grading Permit \$150.00

- **Definitions**

- CINDERS:
 - Particles not ordinarily considered fly ash or dust because of their greater size, consisting essentially of fused ash and/or unburned matter.
- FILLING:
 - The permanent relocation to topsoil, earth, gravel or other fill from one place to another.
- FLY ASH:
 - Particulate matter capable of being gasborne or airborne and consisting essentially of fused ash and/or burned or unburned material.
- GRADING OR REGRADING:
 - The excavating, leveling, removing, moving or sloping of topsoil, earth, gravel or other fill.
- SITE:
 - The premises where filling or regrading shall be performed.

- SOLID WASTE:
 - Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant or air pollution control facility and other discarded materials, including solid, liquid, semisolid or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. § 1342, as amended (86 Stat. 880).

- START OF CONSTRUCTION:
 - The date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns. Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- STRUCTURE:
 - Anything constructed, the use of which requires permanent or temporary location on the ground or attachment to something having permanent or temporary location on the ground, including stationary and portable carports, docks, sheds, boathouses, towers, and structures of a similar

nature. Also including swimming pools, both in-ground and above ground, decks, flagpoles over 20 feet in height, antennas. Excludes patios, walkways and pavements at ground level.

- **General Requirements**

- No grading permit shall be issued unless:
 - The Town Engineer determines that the proposed filling or regrading activity ensures proper surface drainage of the site and adjacent properties at all times during and after completion of the work. No grading work shall cause a danger of surface waters flooding adjacent property, and no stream, watercourse or floodway will be filled or diverted from its course. To the extent that surface waters are redirected to property adjacent to the site in violation of an approved site plan, the owner or lessee of the site shall be ordered to correct any problem caused by such redirected surface waters as the Town Engineer may require;
 - Adequate barricades are erected and maintained;
 - Adequate provisions, including the application of "dust down" or its equal, are made for the prevention of release of suspended particulate matter into the ambient air;
 - Any filling or regrading material is clean, nonburnable fill containing no garbage, refuse, offal, fly ash or any deleterious, toxic, hazardous or unwholesome matter. No material which constitutes solid waste may be used as fill;
 - An erosion/sedimentation control plan is prepared and implemented in accordance with the New York State Guidelines for Urban Erosion and Sediment Control, for filling or regrading areas of one acre or more; and
 - A revegetation plan, which includes site grading, placement of not less than four inches of topsoil, seeding, fertilization and mulching, is prepared and implemented.
 - EPA Phase II Stormwater Requirements shall be met.

- **Bonds**

- Before the issuance of a grading permit, the Town Board may require the applicant and/or the owner of the site to execute and file with the Town Clerk a bond, approved by the Town Board of

the Town of Grand Island, in the amount to be fixed by the Board but not less than \$10,000, with a surety company as surety, and conditioned for the faithful performance of the provisions of this chapter and the conditions of the grading permit, the observance of all municipal ordinances or local laws and to indemnify the Town of Grand Island and/or the Superintendent of Highways for any damage to Town property caused by the applicant. In the event of a default, such bond shall be forfeited to the Town of Grand Island.

- Said bond shall remain in full force and effect until a certificate of compliance has been issued by the Town Code Enforcement Officer, certifying to the fact that all provisions of this chapter and conditions of the grading permit have been fully complied with. Application for such certificate of compliance shall be made by the applicant, owner, lessee or his agent, on forms provided by the Town of Grand Island, and shall require a certification prepared by a duly licensed engineer or land surveyor of the State of New York that the regrading or filling was completed in general compliance with the provisions of this chapter and conditions of the grading permit.

- **Penalties and Offenses**

- Violation of the above requirements shall be a misdemeanor. Each violation shall be a separate offense. Every violation of the provisions of this chapter shall be punishable by a fine not to exceed \$1,000 or by imprisonment for not more than one year or by both such fine and imprisonment.