

7.3 LAND DISTURBANCE

7.3.1 LAND DISTURBANCE ACTIVITIES

7.3.1.1 INTENT

This section is intended to protect the City's natural environment by minimizing the adverse effects which site preparation and associated construction activities may have on soil, water, and vegetative resources.

7.3.1.2 ACTIVITIES REQUIRING PERMIT AND EXEMPTIONS

A. Activities subject to permit

A Land Disturbance Activity Permit shall be required before undertaking the following activities:

1. Within the Rural Residential-1 district: any activity affecting 1.5 or more acres that changes the natural topography, removes or disturbs the topsoil, or removes more than 15% of trees over 4 inches in diameter at breast height (dbh).
2. Any other district: any activity affecting 0.5 or more acres that changes the natural topography, removes or disturbs the topsoil or removes more than 15% of trees over 4 inches in diameter.

B. Exempt Activities

The following activities shall be exempt from permit:

1. Agricultural activities directly related to the production of crops or livestock, excluding timber harvesting
2. Forest management practices or noncommercial tree cutting for firewood that does not remove more than 15% of trees over 4 inches in diameter
3. Authorized governmental activities
4. Bona fide emergencies

7.3.1.3 PERMIT APPLICATION PROCESS

A. For all activities that require a land disturbance activity permit, application may be made directly to the Planning Board or as a referral by the Zoning Enforcement Officer. To the extent practicable, the Planning Board shall coordinate review of the land disturbance activity permit with associated subdivision or site plan review applications.

B. Applications for land disturbance activity permits shall be on forms prescribed by the Planning Board, shall include a soil erosion and sediment control plan (basic SWPPP), and shall be accompanied by a fee as established by the City Council. The Planning Board may waive the fee if review is conducted in association with subdivision or site plan review.

C. In its review, the Planning Board may approve the application if it finds that the soil erosion and sediment control plan will adequately minimize the impact of the proposed land disturbance activity upon the City's land and water resources.

D. A Soil Erosion and Sediment Control Plan shall include a sketch plan that fully identifies the proposed activity, extent of soil and vegetative alterations or tree harvesting, and the land protection and structural soil conservation measures to minimize soil erosion and sediment loss. Such plan should be at a scale of 1" = 100' and include the following:

1. General topographic data, soil conditions, and vegetative cover type.
2. All watercourse, wetlands, rock outcrops and other important land features (including all 100 year federally designated flood hazard and New York State regulated wetlands).
3. The location of all proposed public utilities including water supply, sewerage, and storm water drainage facilities to be constructed.
4. Any other information that the Planning Board may deem necessary for review of the project.

E. The Planning Board may require a performance guarantee to ensure that all necessary erosion and sediment control measures are completed and maintained adequately. The amount of the letter of credit, or other financial security, will not exceed \$1,000 per acre.

F. Unless otherwise specified or extended by the Planning Board, a land disturbance activity permit shall expire 18 months following the filing date of such decision if the applicant has not complied with any required conditions and started the activity, or otherwise implemented this approval.

G. The Planning Board may grant up to two 18-month extensions for an approved land disturbance activity permit provided that the application was properly submitted prior to the expiration date of either the original land disturbance activity permit or the first extension. When requesting an extension, it shall be the applicant's responsibility to prove that there have been no significant changes to the site or neighborhood and that the circumstances and findings of fact by which the original approval was granted have not significantly changed.

H. Unless waived by the Planning Board, construction inspections by the Storm Water Management Officer, or designee, shall be required for all land disturbance activity permits. The construction inspections requirements shall be identical to those set forth in Article 7.2.16.

I. Unless waived by the Planning Board, upon completion of the approved activity an as-built drawing shall be filed with the Planning Board. The requirements for an as built drawing shall be identical to those set forth in Appendix B.

7.3.2 STORM WATER POLLUTION PREVENTION

7.3.2.1 INTENT

This Section is intended to protect and safeguard the general health, safety, and welfare of the public by regulating certain activities to prevent pollution and manage storm water runoff during land development.

7.3.2.2 ACTIVITIES REQUIRING A STORM WATER POLLUTION PREVENTION PLAN (SWPPP)

The following land disturbance activities shall be subject to the storm water management requirements and controls as established in Chapter 242 of the Code of the City of Saratoga Springs.

- A. Residential Development (consisting of Single and Two-Family Development)
 - 1. Residential development activities that involve land disturbance of 1.0 acre to 5.0 acres shall require the submission of a basic SWPPP.
 - 2. Residential development activities that involve land disturbance exceeding 5.0 acres shall require the submission of a “full” SWPPP.
- B. Non-residential and Mixed-use Development
 - 1. Non-residential and mixed-use development activities that involve land disturbance exceeding 0.1 acre or more shall require the submission of a full SWPPP.