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TOWN OF BETHLEHEM

BUILDING DIVISION
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Dear Property Owner,

We are writing to make sure people are informed about the problems that can be caused by placing fill (dirt, gravel or other materials) in an area on or near a slope or hill. You are receiving this letter because your property is in or near an area with steep slopes.

In recent years, several slope failures have occurred in Town, often caused by improper filling along or on top of a slope or hill. Before taking any such action, you should contact the Town Building Department, because a grading permit is required for most projects like this.

We don't expect you to be an expert, we just want you to be aware of the issue and know enough to contact the Building Department and ask questions, even if a contractor or hauler tells you that no permit is necessary (because that would probably not be correct).

We've prepared some FAQs (see flip side), which we hope will be helpful. However, if you have any questions about this issue, please call the Town Building Department or stop by Town Hall.

Building Department
Town of Bethlehem
(518) 439-4955 x1112

FAQ's on fill, grading permits and steep slopes

1. When do I need a grading permit?

If you are putting in a substantial amount of fill in any area on your property, or you are doing construction work or placing fill anywhere near a slope or creek, you should talk to the Building Department before you begin any work. (Section 128-49 of the Town Code describes the permit procedure, which you can review on the Town website if you wish.)

2. Will I need the services of an engineer?

Possibly, but first you should check with the Building Department. Any work in a steep slope area would need a professional geotechnical review.

3. What is a steep slope?

It's a hill basically, or a valley, or a part thereof. Anywhere that looks like a steep hill or drop off is likely a steep slope. However, many areas near a drop off may not look like a steep slope, but are subject to the Town Code's requirement for grading or other work because of proximity to a steep slope. If you have any doubt at all, it's best to call our building department, and/or make sure you are working with a qualified engineer. Technically speaking, our building code defines a steep slope as any area within an angle of repose of 20% or greater. This is any slope where there is greater than a one foot drop (vertically) over a five foot distance. That can be true even if it is relatively flat on the top, or seems to resemble a shelf, before it steepens.

4. Can I place fill or build anything in this slope area or above or below it?

Usually the answer is no, because the Town Code prohibits "improvements and land disturbances" within this area. A waiver may be granted from this prohibition only if you obtain a report from a qualified geotechnical engineer. Property owners should not place any fill or construct any improvements within this area. If you are unsure if you have a steep slope, contact the Town.

5. If I need a waiver to do work on a slope area, how can I get one?

A waiver can be obtained by applying for a grading permit with the Town, with a report prepared by a professional geotechnical engineer, certifying that the proposed work will not result in a failure of the slope.

6. If someone just wants to dump some fill, am I responsible?

Yes. Property owners are responsible for any violations of the Town's grading, erosion and sediment control law, and potentially other state laws, occurring on their property with their permission or consent, regardless of what a contractor or hauler might tell you.

If you have further questions regarding this issue, contact:

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