



## **Town of Philipstown**

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### **WETLANDS PERMIT INSTRUCTIONS & APPLICATION**

**Applicant-** Use this form to apply for a Wetlands Permit as required by the Freshwater Wetlands & Watercourses Law of the Town of Philipstown. Please read all information included in this packet. We will assist you as much as possible but it is not our responsibility to gather information, make copies or assemble application packages.

- Fees: The application fees vary according to the nature of the activity. The full fee is required at the time the application is submitted. See page 4 for fee schedule.
- Number of copies: You must submit 10 paper copies and one digital copy of the application form and all supporting documents. The (10) copies are in addition to any copies you must submit to any other agency to which you are making a separate application for the same property. (Example: Application to Planning Board for subdivision or site plan approval or application to the Zoning Board of Appeals for a variance or special use permit).
- Submit (10) copies of the application, supporting documentation and fees to the Conservation Board Secretary, Cheryl Rockett (located at the Building Department, 2 Cedar St., Cold Spring, NY). Digital files can be emailed to [crockett@philipstown.com](mailto:crockett@philipstown.com).
- Supporting documentation: See page 2 for checklist of required documentation.
- The Natural Resource Officer/Wetlands Inspector will review your application for completeness and refer your application to the Conservation Board which will place you on the next meeting agenda. You will be notified of the date & time of the meeting. Meetings are typically held on the second Tuesday of each month.
- At the meeting if the Conservation Board finds that you have provided enough information to allow a decision, they will determine whether or not to recommend granting a permit. If a site visit is necessary, the board will schedule that during the meeting.
- If you are applying for a Wetlands Permit in conjunction with an application to the Planning Board, Zoning Board of Appeals or the Town Board, you will be notified by that board of any difference in procedure.

## SUBMISSION REQUIREMENTS FOR WETLANDS APPLICATION

All documents must be submitted two weeks prior to meeting date to allow for distribution to Conservation Board members before the meeting.

### **Please submit 10 copies of the following:**

- ☐ Completed application form (pages 5 & 6).
- ☐ A detailed description of the proposed activity and a comparison of the activity to the criteria for approval specified in section §93-8 of the Wetlands Law (see page 3).
- ☐ A written outline of the proposed activity, along with a construction scenario that should include specific items such as the estimated quantities of material excavated or the amount of fill required and the total square footage of soil to be disturbed.
- ☐ Environmental Assessment Form (short form), unless other agencies have requested the long form in which case that should be submitted. (EAF short form is attached at the end of this application). This form can also be found at: [www.dec.ny.gov/docs/permits](http://www.dec.ny.gov/docs/permits)
- ☐ Copies of correspondence from all other agencies including but not limited to; Putnam County Board of Health, NYDEC, Army Corp of Engineers, EPA, DOT, Town Board, Building Department, Planning Board, Zoning Board of Appeals.
- ☐ Names and addresses of all owners of record of properties abutting or directly across from the proposed activity as shown on the latest tax record as well as the names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice.
- ☐ A map prepared by a licensed surveyor, landscape architect or engineer showing:
  1. The controlled area(s) wetland buffer zone 100 feet from edge of any wetlands, lakes, ponds or streams on site.
  2. Wetlands delineation boundaries, 100' buffer zones from wetlands and watercourses, location of access route for construction activities, the location of any well or sewage or wastewater disposal system and, in most cases, the topography of the site.
  3. Site plans must include the location, extent, and nature of proposed activity, all proposed work within the 100' buffer zone and be full sized for easy reading by Conservation Board members

(Note: Any map, plat or plan showing the above information that is required to be submitted for any other permit or approval in connection with the regulated activity, and that is acceptable to the Permitting Authority, may be used).

**\*Application fee, as established by the Town Board and any required escrow deposit for review costs, as required by the Conservation Board, must be included with the application in order to be placed on the agenda.**

**LIST OF REGULATED ACTIVITIES**  
(§93-5, Code of the Town of Philipstown)

**The law regulates most activities within 100 feet of a wetland or watercourse including but not limited to those listed below.**

- A. Dredging or excavation; grading and removal of soil, mud, sand, gravel, silt, earth material and other aggregate, either directly or indirectly.
- B. Dumping or deposition of soil, stones, sand, gravel, mud, rubbish, material, matter or fill of any kind, either directly or indirectly.
- C. Construction or installation of any structure or facility, including, but not limited to, roads, buildings, driveways, parking facilities, swimming pools, tennis courts, bridges, pipes or conduits; installation of sewage disposal systems or sewer outfall, drilling of wells, placing of other obstructions, or driving of pilings.
- D. Alteration or diversion of any flow of watercourse or wetland. This includes, but is not limited to, docks, dams, pilings and bridges.
- E. Use of chemicals, dyes, fertilizers, animal waste, herbicides, pesticides, deicing materials or similar materials.
- F. Inflows of high thermal content capable of causing harmful ecological effects unless water is properly treated in recycling, including, but not limited to, groundwater heat pumps for other than one-family dwellings.
- G. Clear-cutting or other vegetation removal affecting surface water runoff.
- H. Establishment of trails for such purposes as, but not limited to, walking, skiing, horseback riding, bicycling, motorcycling, snowmobiling and off-road vehicle travel.
- I. Installation of service lines, cable conduits or utilities.
- J. Introduction of any form of pollution, by means including, but not limited to, the installation of a septic system, running of a sewer or storm water outfall, or discharge of sewage treatment or other solid waste into or so as to drain into a controlled area.
- K. Installation of drainage or water supply pipes or wells.
- L. Installation of dry wells, retention basins, filters, open swales or ponds.

**§93-8 Criteria for approval [Amended 11-1-2001 by L.L No. 4-2001]**

- A. The following are criteria applicable to the approval of permits for proposed regulated activities in controlled areas.
  - 1. The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourse as set forth in §93-2B;
  - 2. The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system;
  - 3. The activity will not result in the degrading or pollution of waters.
  - 4. The activity will not increase the potential of flooding.
  - 5. Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity;
  - 6. No practicable alternative location is available on the subject parcel.
  - 7. No additional technical improvements or safeguards can reasonably be added to the plan or activity which would minimize the impact on a controlled area; or
  - 8. The activity will alleviate or remove a hazard to the public health or safety.
- B. In evaluating the criteria and the determination required in §93-8A above, the Conservation Board and the permitting authority shall utilize the objective methodology for determining the functions of a wetland set out in the publication entitled "*A Rapid Procedure for Assessing Wetland Functional Capacity*", dated May 1998 by Magee and Hollands, a copy of which is on file in the office of the Town Clerk of the Town of Philipstown.  
[Amended 7-14-2005 by L.L No. 2-2005]

## WETLANDS PERMIT FEE SCHEDULE

Please see the list below to determine fees for your application. If you are unsure of the fees due, the Natural Resource Officer/Wetlands Inspector will assist in determining your fees. Fees are required at the time the application is submitted. Checks should be made payable to *Town of Philipstown*.

- A. Wetland and watercourse determination by the Natural Resource Officer/Wetlands Inspector regarding whether activity will be in a controlled area and describing permit application requirements: **\$180.00**
- B. Wetlands permit application fee: **\$225.00**
- C. Dwelling unit and accessory building and structures (including well and septic system if constructed contemporaneously with dwelling unit), or other structures (for example, stream crossing), in or containing a controlled area or portion thereof on a residential lot: **\$500.00** Plus, either a **\$500.00** or **\$1000.00** escrow fee that may be refundable.
- D. Dredging or removal of soil, mud, sand, gravel, silt or earth material and other aggregate from a controlled area, or dumping or deposition of any material in a controlled area when such activity is not associated with any of the other activities specified in this schedule and is not an activity of minor significance: **\$500.00** Plus, either a **\$500.00** or **\$1000.00** escrow fee that may be refundable.
- E. Residential Subdivision: **\$500.00** for each lot in which a regulated activity is proposed in a controlled area. Plus **\$1000.00** escrow fee that may be refundable.
- F. Road, pipeline or in-ground utility: **\$1000.00** for the first 500 linear feet or fraction thereof in a controlled area, and **\$1.50** for every linear foot over 500 feet in a controlled area. Plus **\$1000.00** escrow fee, which may be refundable.
- G. Regulated activities not covered in Subsection B, C and D of this schedule: **\$375** for the first affected acre of controlled area or fraction thereof, plus **\$260.00** for each additional affected acre of controlled area or fraction thereof. Plus, a **\$1000.00** escrow fee, which may be refundable.
- H. Activities of minor significance, as defined in Section 93-7 of the Wetlands Law: **\$125.00** Above fees are waived pursuant to Section 93-7.



## APPLICATION FOR WETLANDS PERMIT

Note to Applicant:

Submit the completed application to Max Garfinkle, Natural Resource Officer/Wetlands Inspector via the Conservation Board Secretary located at the Building Department, 2 Cedar St, Cold Spring, NY. The application for Wetlands Permit should be submitted simultaneously with any related application (e.g., subdivision approval, site plan approval, Special Use Permit, etc.), being made to the permitting authority.

(Office Use Only)

Application # \_\_\_\_\_

Received by: \_\_\_\_\_

Date: \_\_\_\_\_

Fee: \_\_\_\_\_

Permitting Authority

\_\_\_\_ Conservation Board

\_\_\_\_ Wetlands Inspector

Pursuant to Chapter 93 of the Code of the Town of Philipstown, entitled "Freshwater Wetlands and Watercourse Law Town of Philipstown" (Wetlands Law), the undersigned hereby applies for a Wetlands Permit to conduct a regulated activity in a controlled area.

Owner Name: \_\_\_\_\_

Address: \_\_\_\_\_

Mailing Address (if different): \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name of Agent: \_\_\_\_\_  
(Applicant must be the owner of the land. The application may be managed by an authorized agent.)

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Location of proposed activity: \_\_\_\_\_

Tax Map # \_\_\_\_\_

Acreage of controlled area affected: \_\_\_\_\_

Square footage of soil disturbed by entire project: \_\_\_\_\_

Type of activity: (See list of regulated activities on page 3)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other permit(s) required and agency or agencies responsible for granting such permits such as but not limited to Putnam County Board of Health, NYDEC, Army Corp of Engineers, EPA, DOT, Building Department, Planning Board, Zoning Board of Appeals.

\_\_\_\_\_

Signature of Applicant or Authorized Agent: \_\_\_\_\_

Date: \_\_\_\_\_

# *Short Environmental Assessment Form*

## *Part 1 - Project Information*

### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project:				
Project Location (describe, and attach a location map):				
Brief Description of Proposed Action:				
Name of Applicant or Sponsor:			Telephone:	
			E-Mail:	
Address:				
City/PO:			State:	Zip Code:
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO	YES
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<input type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency?			NO	YES
If Yes, list agency(s) name and permit or approval:			<input type="checkbox"/>	<input type="checkbox"/>
3.   a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres				
4. Check all land uses that occur on, are adjoining or near the proposed action: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span><input type="checkbox"/> Urban</span> <span><input type="checkbox"/> Rural (non-agriculture)</span> <span><input type="checkbox"/> Industrial</span> <span><input type="checkbox"/> Commercial</span> <span><input type="checkbox"/> Residential (suburban)</span> </div> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span><input type="checkbox"/> Forest</span> <span><input type="checkbox"/> Agriculture</span> <span><input type="checkbox"/> Aquatic</span> <span><input type="checkbox"/> Other(Specify):</span> </div> <div style="margin-top: 5px;"><input type="checkbox"/> Parkland</div>				

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	N/A  <input type="checkbox"/>  <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>  <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	NO  <input type="checkbox"/>	YES  <input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO  <input type="checkbox"/>  <input type="checkbox"/>	YES  <input type="checkbox"/>  <input type="checkbox"/>	



14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest    Agricultural/grasslands    Early mid-successional Wetland <input type="checkbox"/> Urban    Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,  a. Will storm water discharges flow to adjacent properties?  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor/name: _____ Date: _____		
Signature: _____ Title: _____		