

MAX GARFINKLE

NATURAL RESOURCE OFFICER PHILIPSTOWN, NY
238 Main Street
Cold Spring, NY 10516
(845) 265-3929

Wetland Permit Application

MEMO TO APPLICANT

1. Use this form to apply for a Wetlands Permit as required by the Freshwater Wetlands and Watercourses Law of the Town of Philipstown, Chapter 93 of the code of the Town of Philipstown.
2. Fee: The application fee varies according to the nature of the activity. The fee schedule is attached. The full fee is required at the time you file the application.
3. Number of Copies: You must submit (9) copies and one PDF of the application form and all supporting documents. These (9) 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 activity. (Example: Application to the Planning Board for subdivision or site plan approval) application to the Zoning Board of Appeals for a variance or Special Use Permit.)
4. Supporting Documentation: See the application form for a list.
5. Return the (9) copies and (1) PDF of the application, supporting documentation, and the full fee by check made out to Town of Philipstown and dropped off at the Building Department. Applications should be submitted no later than 4pm on the last Tuesday of every month.
6. The Wetlands Inspector will review the application for completeness and make a site visit. After the site visit, he will refer your application to the Conservation Board, which will place your application on the agenda of its next meeting. After they have had a chance to also inspect the property. You will be notified of the time and place of that meeting. Your attendance is not required, but can be helpful.
7. If the CB also finds that you have provided enough information to allow a decision, it will determine whether or not to recommend granting a permit.
8. If you are applying for a Wetlands permit in conjunction with an application to the Planning Board, Zoning Board of Appeals or Town Board, you will be notified by that board of any difference in procedure.

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 outcall, 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. Influent 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.

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- 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 pond

WETLANDS PERMIT FEE SCHEDULE

- M. Wetland and watercourse determination by the Wetlands Inspector, regarding whether activity will be in a controlled area and describing permit application requirements: \$180.00
- N. Dwelling unit and accessory buildings 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 \$1,000.00 escrow fee that may be refundable.
- O. 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 \$1,000.00 escrow fee which may be refundable.
- P. Residential subdivision: \$500.00 for each lot in which a regulated activity is proposed in a controlled area. Plus 1,000.00 escrow fee which may be refundable.
- Q. Road, pipeline or in-ground utility: \$1,000.00 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 1,000.00 escrow fee, which may be refundable.
- R. Regulated activities not covered in Subsection B, C and D of this fee schedule: \$375.00 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 1,000.00 escrow fee, which may be refundable.
- S. 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.

TOWN OF PHILIPSTOWN
PUTNAM COUNTY, NEW YORK

238 Main Street
Cold Spring, NY, 10516
(845) 265-5202

APPLICATION FOR WETLANDS PERMIT

Note to Applicant:

Submit the completed application to the appropriate permitting authority. 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 # _____ Permitting Authority _____
Received by: _____
Date _____ Conservation Board _____
Fee _____ Wetlands Inspector _____

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

1. **Owner:** Name: _____

Address: _____

Telephone: _____

If Corporation, give names of officers:

Mailing Address: _____

2. Name of Agent

(Applicant must be owner of the land. The Application may be managed an authorized agent of such person.)

Mailing Address: _____

Telephone: _____

3. Location of Proposed Activity:

Tax Map #: _____

Acreage of Controlled Area Affected: _____

Square footage of soil disturbed by the entire project: _____

4. Type of Activity: (See list of regulated activities)

5. Other permit(s) required and agency or agencies responsible for granting such permits such as but not limited to P.C.B.O.H, N.Y.D.E.C, Army Core of Engineers, EPA, DOT, Building Dept. Planning Board, and Z.B.A.

6. Each copy of this application shall be accompanied by:

- a. A detailed description of the proposed activity and a comparison of the activity to the criteria for approval specified in §93-8 of the Wetlands Law. (See below)
- b. A completed short form environmental assessment form (*included in the application folder*)
- c. A map prepared by a licensed surveyor, landscape architect or engineer showing:
 - 1. The controlled area(s) wetland buffer zone 100 feet from the edge of any wetlands, lakes, ponds or streams on the site;
 - 2. Any wetland or watercourse therein and the location thereof;
 - 3. The location, extent, and nature of the proposed activity.
- D. The names of claimants of water rights in the wetland or watercourse of whom the applicant has record notice and the names and addresses of all owners of record of properties abutting and directly across from the proposed activity as shown on the latest tax record.

(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.)

Date: _____

Signature of Applicant:

Check List for a Complete Wetlands Permit Application

****All supporting materials must be submitted to the Conservation Board/Wetland Inspector two weeks prior to the scheduled meeting date to allow to distribution to members before the meeting.

Ten (10) sets of all material as follows:

Application Form

Environmental Assessment Form (short form), unless other agencies have requested the long form in which case that should be presented.

A plan of your site drawn by a design professional, such as an engineer, architect or land surveyor. All plans must show: 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. Site plans must include all proposed work within the 100 'foot buffer zone and be full sized for easy reading by CB members

Copies of correspondence from all other agencies including, but not limited to; DEC, DOT, EPA, PCBOH, ACOE or other Town of Philipstown agencies; Town Board, Planning Board, ZBA, Building Dept.

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.

Names and addresses of all owners of record of properties abutting and 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 detailed description of the proposed activity and a comparison of the activity to the criteria for approval specified in §93-8 of the Wetlands Law.

§ 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 for 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 Council 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]

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.

Part 1 - Project and Sponsor Information				
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? 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.			NO <input type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>	YES <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, adjoining and near the proposed action.				
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)				
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____				
<input type="checkbox"/> Parkland				

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<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	YES	
	<input type="checkbox"/>	<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	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	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	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<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 <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> 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 plain?	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? <input type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>
<p>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: _____ _____ _____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>
<p>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: _____ _____ _____</p>	<p>NO</p> <input type="checkbox"/>	<p>YES</p> <input type="checkbox"/>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p> <p>Applicant/sponsor name: _____ Date: _____</p> <p>Signature: _____</p>		

PRINT FORM