

DAVID J. KLOTZLE
WETLAND INSPECTOR, PHILIPSTOWN, NY
238 Main Street
Cold Spring, NY 10516
(914) 736-7132

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 submitted (10) copies of the application form and all supporting documents. These (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 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 (10) copies of the application, supporting documentation, and the full fee by check made out to Town of Philipstown to the Building Dept. office.
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 Advisory Committee (CAC), 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. Unless otherwise counseled by the wetland inspector you or your representative should attend that meeting to support your case and answer questions that may arise.
7. If the CAC 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.
- 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 outcall, 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: \$125.00
- 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: \$225.00
- 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: \$250.00
- P. Residential subdivision: \$225.00 for each lot in which a regulated activity is proposed in a controlled area.
- Q. Road, pipeline or in-ground utility: \$750.00 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.
- 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.
- 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.

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: _____	_____ Z.B.A.
Date _____	_____ Planning 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: _____

2. Agent: Name: _____

(Applicant must be owner of the land. The Application may be managed by an authorized agent of such person possessing a notarized letter of consent from the owner.)

3/ Name of Agent

If Corporation, give names of officers:

Mailing Address: _____

Telephone: _____

3. Location of Proposed Activity:

Tax Map No.: _____

Acreage of Controlled Area Affected: _____

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.

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

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.

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.

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]