

Statement in Support  
of the  
Application  
of  
**Sharr White & Evelyn Carr-White**  
for a  
**FRESHWATER WETLANDS PERMIT**  
to conduct  
**REGULATED ACTIVITIES**  
within a  
**REGULATED AREA**  
as required under  
**CHAPTER 93**  
of the  
**CODE of the TOWN OF PHILIPSTOWN**

Prepared and respectfully submitted by:

**BADEY & WATSON,**

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**Project Location**

The applicants, Sharr White and Evelyn Carr-White, are the owners of a roughly 5+-acre parcel in the Town of Philipstown. The property is designated on the Putnam County Tax Map for the Town as Sheet 38, Block 3, Lot 45. It is located on Luzmira Lane, a private road off of Lane Gate Road, about ¼-mile southwest of U.S. Route 9. This lot was created and designated as Lot No. 1 on a certain Map entitled, “Subdivision Plat Prepared for David Ward”, filed in the Putnam County Clerk’s Office on July 24, 1987 as Map No. 2249.

**Regulated Activities Involved (§ 93-5)**

The permit sought will allow construction of an in-ground pool within the wetland buffer zone of an unnamed pond regulated by the Town. This pond has no protection status with the NYSDEC, as either a watercourse or a freshwater wetland. While there are other locations for a pool on the property this location was selected for the following reasons:

- Protection of numerous existing mature trees,
- Avoid the relocation of existing utilities, and additional associated disturbances,
- Avoids conflict with an existing sewage disposal system (associated with the original portion of the house),
- Adds privacy from the road, and allows for enhanced buffering and screening,
- Keeps the pool out of the front yard and off to the side, maintaining the rural character of the road,
- Positions the pool in a location that optimizes natural sunlight,
- Location also allows for the use of the existing deck and outdoor space.

It is for the reasons listed above, that we feel the location of the proposed pool is optimized, and the freshwater wetlands permit sought will benefit both the property owner and the Town of Philipstown. Also, for your consideration, please be advised that the runoff from the proposed development in the buffer will be directed away from the pond surface. Also, this proposed area for the pool, within the buffer, is currently cleared open space; a mowed grass lawn. There is no proposed clearing of trees, or other natural vegetation.

The construction involves the following work within the watercourse buffer:

- Excavation for a 20’ by 40’ swimming pool and appurtenances.

More specifically, the following Regulated Activities are involved:

- Installation of a swimming pool. (§93-5C.)

The proposed limit of disturbance within the controlled area is approximately 3,000 square feet.

**Comparison of the proposed activity to the Criteria for Approval § 93.8**

Section 93-8, *Criteria for approval* sets forth eight (8) criteria that the Conservation Board and Permitting Authority must consider before a permit may be recommended or issued. The following is a list of them with a discussion of how the project compares to each criterion.

*The activity will not have a substantial adverse effect upon the natural function and benefits of a wetland or watercourses as set forth in §93-2B.*

There shall be no clearing of any trees, shrubs, or natural vegetation. The area is currently maintained with conventional Kentucky bluegrass-type lawn. The addition of a pool will not break up the buffer with open space; the buffer is already open space/landscaped.

*The activity will not substantially change the natural channel of a watercourse or substantially inhibit the dynamics of a watercourse system.*

There is no proposed work in any watercourse or waterbody.

*The activity will not result in the degrading or pollution of waters.*

The surface water from the proposed pool location flows away from the pond, both in the existing and proposed conditions.

*The activity will not increase the potential for flooding.*

The proposed activity does not reduce the storage volume of the wetland, or otherwise restrict the flow of water.

*Sufficient provision has been made for control of pollution, erosion, siltation and sedimentation during and after conduct of the activity.*

The activity proposes measures to control erosion and sedimentation during and after construction.

*No practicable alternative location is available on the subject parcel.*

The location of the proposed development has been selected to complement the existing residential development on the property.

No additional technical improvements or safeguards can reasonably be added to the plan or activity, which would minimize the impact on a controlled area.

Additional improvements will only lead to additional disturbance in the controlled area.

The activity will alleviate or remove a hazard to the public health or safety.

The activity will not alleviate or remove a hazard to the public health or safety.

Respectfully submitted on behalf of Sharr White and Evelyn Carr-White,

**BADEY & WATSON,**  
*Surveying and Engineering, P.C.*

by \_\_\_\_\_  
Jason R. Snyder, CPESC