

**TOWN OF CARMEL
ENVIRONMENTAL
CONSERVATION BOARD
(ECB)**



**GUIDE TO UNDERSTANDING YOUR
LOCAL WETLAND ORDINANCE**

HELPING TO PROTECT OUR TOWN'S NATURAL RESOURCES

ROBERT LAGA
Chairman

NICHOLAS FANNIN
Vice Chairman

RICHARD FRANZETTI
Wetland Inspector

ROSE TROMBETTA
Secretary

TOWN OF CARMEL
ENVIRONMENTAL CONSERVATION BOARD



60 McAlpin Avenue
Mahopac, New York 10541
Tel. (845) 628-1500 - Ext. 190
www.ci.carmel.ny.us

BOARD MEMBERS

Edward Barnett
Anthony Federice
Emily Lavelle

A GUIDE TO UNDERSTANDING YOUR LOCAL WETLAND ORDINANCE

Through the New York State Environmental Conservation Law – Article 24 – Local Governmental Agencies can develop local laws pertaining to wetland protection.

The Town of Carmel has done just that. In its wetland ordinance the Town protects wetlands 1/8 of an acre and larger. In addition, a 100-foot buffer around each wetland is also regulated. Therefore, if any type of construction or other activity within this area is to be conducted, a wetland permit will be required.

HOW DO I GET A WETLAND PERMIT

An application must be submitted (with all supporting information) to the ECB and approved before a permit can be issued. Please see INSTRUCTIONS FOR OBTAINING A PERMIT TO PERFORM SITE WORK IN A WETLAND OR ADJACENT AREA available on-line or at the Carmel Town Hall for details on the information required for a complete application. Once the application has been determined to be complete and satisfactory to the Board it will be accepted. Once, the application is accepted by the Board the Town will post a public notice in the local paper to allow for public comment if any. The comment period is 30 days. If a public hearing is requested or if in the view of the Board the extent of comments received warrant a public hearing, the applicant will be notified and a notice of public hearing will be posted in the paper. Pending the outcome of the public hearing the application may be accepted as submitted, denied or need to be revised and resubmitted prior to issuance of a permit. In any event the applicant will need to return to the Board for final permit approval. Once approved and all required fees and escrows are paid a permit will be issued.

FAILURE TO OBTAIN A WETLANDS PERMIT PRIOR TO THE START OF WORK MAY RESULT IN AN IMMEDIATE STOP WORK ORDER BEING ISSUED BY THE TOWN.

WHY DO WE PROTECT WETLANDS?

The Town of Carmel protects its wetlands for a variety of important reasons some of which include: Flood control, wildlife habitat protection, water purification and erosion control.

CHECKLIST TO DETERMINE IF A WETLAND PERMIT MAY BE REQUIRED

1. Determine if there are wetlands on the property in question. (Sources include topographic maps, the Town of Carmel Wetlands Map, visual inspection of the property).
2. Determine if there are wetlands within 100 feet of the property in question.
3. Will any construction or disturbance be conducted within 100 feet of a wetland? (Including lakes, ponds, streams, etc.). If any of the above were answered in the affirmative, a wetland permit may be required. Contact the ECB Secretary to be placed on the next board agenda.
4. If you are not sure whether or not there are wetlands within 100 feet of the proposed project site, you may contact the ECB secretary at Town Hall and request to be put on the agenda of the next ECB meeting for a preliminary discussion/determination.

INSTRUCTIONS FOR OBTAINING A PERMIT TO PERFORM SITE WORK IN A WETLAND OR ADJACENT AREA

USER FEES:

- **Permit Renewal/Extension Fee:** \$200.00 for each one-year permit renewal/extension.
- **Letter of Maintenance:** \$100.00
- **Letter of Permission:** \$150.00
- **Minor Project:** \$225.00 for projects disturbing up to 1,000 ft² in the 100 ft buffer area.
- **Major Project:** \$500.00 for projects disturbing over 1,000 ft² in the 100 ft buffer area or for **any disturbance** in the wetlands, plus \$100 for each additional 1,000ft² disturbance (or part thereof) in the 100ft buffer area. Maximum fee shall be \$1,000.00.

APPLICATION PACKAGE:

Submit 4 (four) copies of the application (1 original and 3 copies). The application package should contain the following:

1. **Copy of deed describing the subject property.**
2. **Location Map with roads and landmarks (Typically at a scale of 1"=2,000')**
3. **Site plan. The site plan should include the following information:**
 - **A base scale which can range from 1"=10' to 1"=50'**
 - **A north arrow**
 - **Location of all wetland and watercourse and their 100' buffer zone. It should be noted that the Environmental Conservation Board may require that the aforementioned wetland areas be delineated by a qualified ecologist, botanist or soil scientist. If a wetland delineation is requested by the Environmental Conservation Board the application package should include:**
 - **The name of the professional delineator and date of the delineation;**

- The survey location of the wetlands performed no earlier than thirty-six months prior to the date of filing the application.
 - All wetland delineations are subject to inspection and approval by the Town of Carmel's Wetland Inspector. All wetland flagging must be current and visible in the field at the time of the inspection.
 - A project narrative which describes the proposed scope of work, the order in which it will be performed and the reasons for the Wetland Permit Applications, as per the criteria outlined in 62-1 of the Town Code.
 - Existing site topography/contours at 2' intervals
 - Proposed site topography/contours at 2' intervals
 - Location of existing flood plains
 - The location of existing and proposed site features (where applicable) which can include but are not limited to:
 - Septic systems and associated leach fields (including future expansion fields);
 - Culverts, drains and the associated discharge points;
 - Private, town, county and state road;
 - Driveways;
 - Property boundaries;
 - Roof leaders;
 - Dry wells;
 - Drinking water sources;
4. Details of any drainage system proposed to perform the work and after completion of the work (i.e., final site layout). It should be noted that Environmental Conservation Board may require additional site details and studies which can include but are not limited to:
- Pipes, culverts, storm sewers, and catch basins;
 - Proposed conveyance capacity assessments;
 - Retention, Detention or infiltration ponds;
 - Assessment of flooding potential (upstream or downstream)

Any additional studies and design details requested by the Environmental Conservation Board are subject to inspection and approval by the Engineer of the Town of Carmel.

5. Erosion and Sediment Control measures to be used on site during the

proposed site work. Please note that depending on the size of the project this information can either be included as part of the site plan or as a separate Soil Erosion and Sediment Control Plan as per the New York State Department of Environmental Conservation (NYSDEC) Regulations.

- 6. Stormwater management practices (SMPs) to be used on site during the proposed site work and future storm water controls. Please note that depending on the size of the project this information can either be included as part of the site plan or as a separate Stormwater Pollution Prevention Plan as per the NYSDEC State Stormwater Discharge Elimination System (SPDES) General Permits for either Stormwater Discharge from Construction Sites (GP-02-01) or from Municipal Separate Stormwater Sewer Systems (MS4's) (GP-02-02 and the New York City Department of Environmental Protection).**
- 7. Copies of All correspondence between relevant Regulatory agencies such as the NYSDEC and the NYCDEP. This can include but not be limited to:**
 - Approval letters;**
 - Notice of Intents (NOIs);**
 - Approved applications.**
- 8. Short Form EAF. Unless the application is for repair, replacement (in kind) or maintenance.**

Other Site Requirements:

Wetland should be staked/identified in the field at 200' intervals. If requested by the ECB, all site work and other changes to the site may be required to be staked/identified in the field.

Thirty days after your application is accepted you must return to the board for issuance of your permit or denial of your application.

Applications by a municipality shall be signed by the Chief Executive Officer thereof or the head of the department or agency undertaking the project.

The town shall publish in the official town newspaper a "NOTICE OF APPLICATION" as provided by Chapter 89-5 of The Town of Carmel Town Code.

If other than owner makes application, written consent of the owner must be accompany application.

Acceptance of a permit subjects permittee to restrictions, regulations or obligations stated in application and/or permit.

If a public hearing is necessary, the applicant will be required to furnish the names and addresses of the adjacent land owners with 500 ft. and all known claimants to water rights.

The agency, Town of Carmel Environmental Conservation Board, reserves the right as stated in Chapter 89-5 of The Town of Carmel town code to not deem an application as complete or received until the agency determines that all such information, including any additional information requested, has been supplied in a complete and satisfactory form.

Submission of this application constitutes approval and consent for board members and their consultants to inspect your site in the course of processing this application.

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Chairman

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APPLICATION FOR WETLAND PERMIT OR LETTER OF PERMISSION

Name of Applicant:_____

Address of Applicant:_____ Email:_____

Telephone#_____ Name and Address of Owner if different from Applicant:

Property Address:_____ Tax Map # _____

Agency Submitting Application if Applicable:_____

Location of Wetland:_____

Size of Work Section & Specific Location:_____

Will Project Utilize State Owned Lands? If Yes, Specify:_____

Type and extent of work (feet of new channel, yards of material to be removed, draining, dredging, filling, etc). A brief description of the regulated activity (attach supporting details).

Proposed Start Date:_____ Anticipated Completion Date:_____ Fee Paid \$_____

CERTIFICATION

I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief, false statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law. As a condition to the issuance of a permit, the applicant accepts full legal responsibility for all damage, direct or indirect, or whatever nature, and by whomever suffered, arising out of the project described here-in and agrees to indemnify and save harmless the Town of Carmel from suits, actions, damages and costs of every name and description resulting from the said project.

SIGNATURE

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.

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?			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 _____ acres or controlled by the applicant or project sponsor?				
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. Urban Rural (non-agriculture) Industrial Commercial Residential (suburban) <input type="checkbox"/> Forest Agriculture Aquatic Other(Specify): <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<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?	NO	YES	
If Yes, identify: _____	<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 services 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 the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
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?	<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?	NO	YES	
	<input type="checkbox"/>	<input type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____			

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 <input type="checkbox"/>	YES <input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO <input type="checkbox"/>	YES <input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO <input type="checkbox"/>	YES <input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<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 <input type="checkbox"/>	YES <input type="checkbox"/>
49. 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 <input type="checkbox"/>	YES <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 <input type="checkbox"/>	YES <input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: _____ Date: _____ Signature: _____ Title: _____		