

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



**GUIDE TO UNDERSTANDING YOUR
LOCAL WETLAND ORDINANCE**

HELPING TO PROTECT OUR TOWN'S NATURAL RESOURCES

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TOWN OF CARMEL
ENVIRONMENTAL CONSERVATION BOARD



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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 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:** \$50 for each one-year permit renewal/extension.
- **Letter of Maintenance:** \$50.00
- **Letter of Permission:** \$100.00
- **Minor Project:** \$225 for projects disturbing up to 1,000 ft² in the 100 ft buffer area.
- **Major Project:** \$500 for projects disturbing over 1,000ft² in the 100ft 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.
- **Escrows:** Escrows are collected on all applications; the amount, as determined by the Town's Wetland Inspector, is \$500 for minor projects \$1,000 for major projects.

APPLICATION PACKAGE:

Submit copies of the application and supporting materials as follows:

1. Environmental Conservation Board – 1 original & 3 copies.
Applications submitted in electronic format to ECB also require original & 2 hard copies to be submitted.
2. Carmel Town Clerk – 1 copy

Submission deadlines of application and supporting materials are as follows:

1. Application should be submitted at least 7 days before a scheduled meeting.
2. Supporting information shall be submitted at least 5 days before a meeting.

3. Completed applications will be placed on the agenda of the next scheduled meeting.

The application and supporting information shall contain the following as appropriate to the scale and scope of the proposed project:

1. Copy of deed describing the subject property.
2. Location Map with roads and landmarks (typically at a scale of 1"=2,000')
3. A project narrative that describes the purpose, nature and extent of the proposed regulated activity, the order in which it will be performed and the reasons for the Wetland Permit Application, as per the criteria outlined in Section 89-1 of the Town Code.
4. Site plan. The site plan should include the following information:
 - a. A base scale which can range from 1"=10' to 1"=50'
 - b. A north arrow
 - c. Existing site topography/contours at 2' intervals
 - d. Proposed site topography/contours at 2' intervals
 - e. Location of all wetland and watercourses.

It should be noted that the Environmental Conservation Board may require that a qualified ecologist, botanist or soil scientist delineate the aforementioned wetland areas. If the Environmental Conservation Board requests wetland delineation the application package should include:

- i. The name of the professional delineator and date of the delineation;
- ii. The survey location of the wetlands performed no earlier than thirty-six months prior to the date of filing the application;
- iii. 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 inspection;
- iv. Wetland should be staked/identified in the field at less than 200' intervals.
- f. Location/delineation of regulated adjacent areas (i.e. 100' buffer)

- g. Location of existing flood plains.
 - h. The location of existing and proposed site features (where applicable), which can include, but are not limited to:
 - i. Septic systems and associated leach fields (including future expansion fields);
 - ii. Culverts, drains and associated discharge points;
 - iii. Private, town, county and state roads;
 - iv. Driveways;
 - v. Property boundaries;
 - vi. Roof leaders;
 - vii. Dry wells;
 - viii. Drinking water sources.
5. Details of any proposed drainage system to perform during construction and after completion of construction (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;
- a. Pipes, culverts, storm sewers, and catch basins;
 - b. Proposed conveyance capacity assessments;
 - c. Retention, Detention or infiltration ponds;
 - d. 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.
6. 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 (NTSDEC) Regulations.
7. 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-0-10-001) or from Municipal Separate Stormwater Sewer System (MS4's) (GP-02-02 and the New York City Department of Environmental Protection).

8. Copies of all correspondence between relevant Regulatory agencies such as Putnam County Health Department, the NYSDEC and the NYCDEP. This should include, but not be limited to;
 - a. Approval letters;
 - b. Notice of Intents (NOIs);
 - c. Approved applications.
 - d. Approved wetlands delineations.

9. Short Form EAF. Unless the application is for repair, replacement (in kind) or maintenance.

PROCEDURAL AND ADMINISTRATIVE REQUIREMENTS:

The town shall publish in the official town newspaper a "NOTICE OF APPLICATION" as provided by Section 89-5 (C) of The Town of Carmel town code.

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

If a public hearing is necessary, the applicant will be required to furnish the names and addresses of the adjacent land owners within 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 B (3) 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.

If requested by the ECB, the limits of all site work and other changes to the site may be required to be staked/identified in the field.

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.

Applications by other than an individual resident shall be signed by the Chief Executive Officer of the organization or head of the department or agency undertaking the project.

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

At least twenty-eight days after your application is accepted you must return to the board for issuance of your permit or denial of your application.

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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

617.20
Appendix B
Short Environmental Assessment Form

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
			YES
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
			YES
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			

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: _____ _____ _____	NO	YES
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
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
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: _____ Date: _____ Signature: _____		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
2. Will the proposed action result in a change in the use or intensity of use of land?		
3. Will the proposed action impair the character or quality of the existing community?		
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?		
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		

	No, or small impact may occur	Moderate to large impact may occur
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?		
11. Will the proposed action create a hazard to environmental resources or human health?		

Part 3 - Determination of significance. The Lead Agency is responsible for the completion of Part 3. For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.	
<input type="checkbox"/> Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.	
_____	_____
Name of Lead Agency	Date
_____	_____
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
_____	_____
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)