

# Why Protect Wetlands?

## Primary Wetland Functions:

- 1) Protection of water quantity and quality - “Nature’s Kidneys”
- 2) Protection of drinking water supplies
- 3) Protection of stream channel and stream bank stability
- 4) Control of floodwaters and storm water runoff
- 5) Important nesting, feeding, migratory and wintering habitat for diverse wildlife species
- 6) Support of distinct and less common vegetative associations
- 7) Provision of open space and visual relief and natural classrooms and educational opportunities

# Why Buffers?

Environmental Law Institute - Controlled areas associated with lakes ponds, streams and wetlands “provide benefits that are significant for maintaining the functional integrity and quality of such resources, and for furnishing protection against adverse impacts from activities in adjacent areas.”

# Goals of the new Town Law

“It is the intent of the Town of Washington to insure that activities in and adjacent to wetlands watercourses and waterbodies do not adversely affect the natural environment or cause significant environmental degradation or unduly impact the public health, safety and welfare.”

## How will the Law do that?

- 1) Regulate certain activities within or adjacent to regulated wetlands as defined in the Law.
- 2) All wetlands greater than 1/4 acre, including the larger New York State DEC wetlands and all federal wetlands, will be regulated.
- 3) Perennial and intermittent watercourses are also regulated.
- 4) A watercourse must flow a minimum of three months per year to be regulated; perennial watercourses flow a minimum of nine months a year.
- 5) A 50 foot controlled area will apply to wetlands greater than 1/4 acre but less than one acre; wetlands greater than one acre will have a 100 foot controlled area.
- 6) An intermittent watercourse will have a 50 foot controlled area; a perennial watercourse will have a 100 foot controlled area.

# What's regulated? What isn't?

## Exempt Activities

- 1) Hunting, fishing and trapping where otherwise legal
- 2) Agricultural activities where otherwise legally recognized
- 3) Timber harvesting under an approved management plan, except for clear cutting
- 4) Activities required by the Health Department
- 5) Village of Millbrook activities associated with the operation of the Village water supply
- 6) Emergency activities
- 7) Ordinary maintenance and repair of existing structures and infrastructure
- 8) Trimming, pruning, bracing and planting of trees and shrubs

## Activities that may require a permit

- 1) Draining, dredging or excavation
- 2) Dumping, filling or depositing of materials as defined
- 3) Construction of structures, roads, driveways, pools, infrastructure, etc.
- 4) Placing of obstructions in regulated areas
- 5) Altering or modifying drainage patterns and contours
- 6) Introducing influent of high thermal content
- 7) Stripping of vegetation, including clear cutting
- 8) Use or storage of chemicals
- 9) Installation of sewage treatment or disposal systems

## How will it work?

For most small projects:

- 1) A property owner will file an application with the Zoning Administrator for a building permit. The Zoning Administrator will check the available maps to determine if there is a wetland near the area of the proposed activity. The Zoning Administrator may also consult with the Wetland Administrator or CAC. If a wetland is found to be within the limiting distances as depicted on the Building Permit plans, a wetland permit application will be required.
- 2) A completed wetland permit application will be forwarded to the Planning Board, which will review the application and ultimately make a decision. The Planning Board may at any time consult with the Wetland Administrator, CAC or other experts during the review of a project. The law establishes a finite timeline for the review and decision on an application.

For larger projects, the application will most often be before the Planning Board for site plan, subdivision or other approvals, and the wetland permit will become part of the SEQRA process conducted for that activity.