

Permit Requirements and Procedures.

- A) Any person proposing to conduct or cause to be conducted a regulated activity within a regulated area shall obtain the approval of the Planning Board prior to the commencement of the regulated activity. Applications for permits for regulated activities shall be filed with the Zoning Administrator. In addition:
- 1) It shall be the responsibility of the Zoning Administrator, upon receipt of an application for approval of a regulated activity under this Section 396, to immediately refer the application to the Town's wetland consultant for assistance in making an initial determination as to whether the proposed regulated activity is subject to the requirements of this Section 396; it being the intent that the Zoning Administrator, after consultation with the Town's wetland consultant, shall at the earliest possible time determine whether a proposed activity is a regulated activity as set forth herein.
 - 2) It shall be the responsibility of the Building Inspector upon receipt of an application for a building permit to consult with the Zoning Administrator as to whether one or more of the activities proposed under a building permit application is a regulated activity as set forth in this Section 396.
- B) Application procedure; pre-application consultation. It is recommended that the applicant, prior to filing an application for a permit under the provisions of this Section 396, consult with the Zoning Administrator as to the compliance requirements related to wetlands, watercourses and water bodies as well as application procedures for the Town of Washington Planning Board.
- C) Application for a wetlands/watercourse/water body permit. The applicant shall file with the Zoning Administrator an original application and eight (8) copies, along with an electronic submission on a thumb drive, or emailed to the Building Department: buildinginspector@washingtonny.org and with such information as the Planning Board shall prescribe. At a minimum, the following information shall be required:
1. The name, address, and telephone number of the applicant.
 2. Names and addresses of abutting property owners.
 3. A description of the proposed project as it relates to this Section 396.

4. A written explanation of why the proposed activity cannot be located at another site, i.e., out of the wetland, watercourse, water body or controlled areas (i.e., Alternatives Analysis).
5. A map prepared by a NYS licensed professional showing all wetlands, watercourses, water bodies and controlled areas within 200 feet of the location of the proposed regulated activity, based on areas depicted on the Town Wetlands Protection Map or on a visual inspection. This map is not required to be a formal wetland delineation, but must illustrate the location of the wetlands using a scale. [The Planning Board reserves the right to require land data information for distances of greater than 200 feet based on the Board's assessment of field conditions – See subsection (C)(11), below].

Two full-size sets of maps and eight reduced size (24" x 18" / "C" size sheet) sets of maps.

6. A map prepared by a NYS licensed professional at a scale no greater than one inch equals 50 feet (1" = 50') and containing contour intervals of five (5) feet or less in the regulated area showing the area of wetland or watercourse directly or indirectly affected, with the location of the proposed activity thereon.

Two full-size sets of maps and eight reduced size (24" x 18" / "C" size sheet) sets of maps. The maps required by subsection (C)(5), above, and this subsection may be combined into one map.

7. A description of the vegetative cover of the area, including dominant species.
8. A description of the soil types on the site, consistent with the descriptions provided in the Dutchess County Soil Survey prepared by the Natural Resources Conservation Service (NRCS).
9. A Short Form Environmental Assessment Form (EAF) under SEQRA. The Planning Board reserves the right to require the applicant to prepare a Long Form EAF after the initial review of an application.
10. An application fee in an amount set by the Town Board, and an application review fee (escrow) in an amount set by the Planning Board.
11. Additional information. After an initial review of the information required by subsections (C)(1) – (10), above, the Planning Board may require

additional information in order to make a determination on the application. When exercising its discretion to request additional information, the Planning Board shall make a brief finding detailing the reasons why the additional information is requested.

Additional information may include, but shall not be limited to, a schedule and sequence of proposed activities and the type of equipment to be used, the study of flood, erosion and other hazards at the site, and any other information deemed necessary to evaluate the proposed use in terms of the standards of this Section 396. In addition, the Planning Board may require the following additional information:

- a. The boundaries of all regulated areas within the applicant's subject property as identified and delineated in accordance with standards set forth in "The Freshwater Wetlands Delineation" prepared by the NYSDEC Division of Fish & Wildlife and the "Technical Report Y-87-1 Corps of Engineers Wetlands Delineation Manual" no more than eighteen months prior to the date of filing of the application on a topographic survey of the property and containing notation documenting the field delineation. Wetlands, waterbodies and watercourses as shown must be delineated in the field by the Wetland Administrator or another qualified individual knowledgeable about wetlands and water resources. The Planning Board, with advice from the Wetland Administrator and the CAC, will make the final decision regarding the accuracy of the delineation as depicted on the plans. The Planning Board may also at its discretion determine during review that only those areas of wetland within 200 feet of the proposed disturbance need be delineated, waiving the requirement that the entire property be delineated for smaller projects.
- b. The description of the vegetative cover of the regulated area shall include the dominant species and their wetland classified status as referred to in The National List of Plant Species That Occur in Wetlands, New York or Northeast (Region 1) published by the U.S. Fish and Wildlife Service or the most recent edition.
- c. Ground water table elevations indicating depth to ground water, direction of flow and hydrologic connections with surface water features.

- d. Location of the construction area and area proposed to be disturbed, and its relation to property lines, roads, buildings, regulated areas within a minimum of two-hundred (200) feet or such other distance as determined by the Planning Board.
- e. A wetland functional analysis consistent with the methods described in “A Rapid Procedure for Assessing Wetland Functional Capacity” by Dennis W. Magee, 1998.
- f. Applications affecting the water retention capacity, water flow, or other drainage characteristics of any wetland, watercourse or water body may require a statement of the impact of the project on upstream and downstream areas giving appropriate consideration to flood and drought levels and the amount of rainfall.
- g. Where creation of a lake or pond is proposed, details of the construction of any dams, embankments, outlets or other water control devices and an analysis of the wetland hydrologic system including seasonal water fluctuation, inflow/outflow calculations and subsurface soil, geology and groundwater conditions.
- h. Locations and specifications for any proposal to drain, fill, grade, dredge and clear vegetation, including areas and quantities proposed for depositing or removal, the procedures to be used and dominant species of vegetation to be removed.
- i. Locations and details of any existing and proposed storm water drainage facilities, including any point discharges, artificial inlets, or other conveyances which would discharge into regulated areas, and measures proposed to control erosion both during and after the proposed work including a schedule for installation and maintenance for such measures.
- j. An analysis of hydrologic systems located within and connected to the regulated areas and a narrative to explain how the regulated areas will be affected by the proposed action including water retention capacity, water flow and drainage characteristics. Applications for projects which may affect the water retention capacity, water flow, or other drainage characteristics of any pond, lake, reservoir, natural drainage system, or wetland may require inclusion of a statement and numerical calculations of the impact of

the project on upstream and downstream areas, giving appropriate consideration of other than normal levels of watercourses and amounts of rainfall, specifically the 100-year storm event.

k. The preparation and submission of a mitigation plan that includes creation, restoration and/or enhancement of wetlands in order to offset the loss of wetland function that is anticipated as a result of the proposed action. For wetland creation, the minimum acceptable ratio of creation to disturbance will be 1.5:1. Plans will be at a level of detail sufficient to demonstrate that the mitigation plan will be acceptable for long term mitigation of potential wetland impacts, and may include an analysis of pre and post construction hydrology, planting plan, conservation easements and/or deed restrictions, maintenance and monitoring agreement and other methods to ensure the long term success of the proposal.

12. Upon receipt of an application that the Zoning Administrator determines is complete as to form he/she shall refer said application to the Planning Board for review.
13. When officially received. An application submitted under this section 396 shall be deemed received at the next regular meeting of the Planning Board at which the application is to be considered. An application shall be placed on the Planning Board agenda only after payment of the application fee and application review fees and receipt by the Board of the specified number of copies of the application including maps and any supporting documentation.
14. Planning Board review. Applications for wetland permit approval must be received by the Planning Board not less than two (2) weeks prior to the date of the regularly scheduled Planning Board meeting. Following receipt and initial review of an application, the Planning Board will refer the application for comments to the CAC. At its discretion, the Board may also request review by the Wetland Administrator. Initial comments and recommendations for additional information must be received by the Board within 30 days of such referrals.
15. Following receipt of initial comments and recommendations for additional information (if provided), the Planning Board will notify the applicant of any additional information which may be required to deem the application

complete for content. Following receipt of this additional information as applicable, the Board will determine the application to be complete for content and commence formal review.

16. **Public review; public hearing.** Within sixty-two (62) days of receipt of a complete application, the Planning Board shall hold a public hearing. Notice of the public hearing shall be published in the official newspapers at least ten (10) days prior to the date set for public hearing, and shall, at least ten (10) days before such hearing, mail notice thereof to the owners of property within 200 feet of the property that is the subject of the application. The notice shall state the date, time, place and subject of the public hearing at which the application will be reviewed. Such notice shall not be required for adjourned dates. The address on file in the records of the Receiver of Taxes of the Town of Washington shall be deemed conclusive as to ownership and the notice shall be deemed complete when deposited in a properly addressed postpaid envelope in the United States mail. The Planning Board may also provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of the application, including the prominent placement of one (1) or more signs on the premises that is the subject of the application notifying interested persons that an application for a site plan approval is under consideration by the Board.
17. **Referral to Neighboring Municipalities.** *For* a wetland application under this Section 396 involving property located within five hundred (500) feet of an adjacent municipality notice of any public hearing shall be given by mail or electronic transmission to the clerk of the adjacent municipality not less than ten (10) days prior to the date of said hearing.
18. **Agricultural data statement.** For activities on agricultural lands other than those listed in subsection VI (B) of this Section 396, an application for wetland permit approval must also contain an agricultural data statement if any portion of the project is located on property within an agricultural district containing a farm operation, or other property with boundaries within five hundred (500) feet of a farm operation located in an agricultural district. The agricultural data statement shall contain the name and address of the applicant; a description of the proposed project and its location; the name and address of any owner of land within the agricultural district which contains farm property; and a tax map or other map showing the site

of the proposed project relative to the location of farm operations identified in the agricultural data statement.

Time of Decision. Within sixty-two (62) days of close of the public hearing and the completion of environmental review under SEQRA, the Planning Board shall approve, approve with modifications, or disapprove the wetland permit application. A copy of the Planning Board's decision shall be filed in the Office of the Town Clerk within five (5) days of the date of such decision, and a copy shall be mailed to the applicant. In acting to approve, with or without modifications, a wetland permit application, the Planning Board may attach such conditions and safeguards as it deems necessary to assure that the purpose and intent of these regulations are complied with. Within sixty (60) days of the date of approval or approval with modifications, the applicant shall present to the Planning Board a corrected final wetland plan in reproducible form, including any modifications required by the Planning Board as a condition of approval. Upon verification by the Planning Board that the wetland plan complies with the requirements of the approval, the plan shall be endorsed by the Planning Board Chairperson and filed with the Planning Board and the Zoning Administrator. The permittee shall not commence any site preparation, including but not limited to tree removal, removal of soil, grading, stockpiling of soil or other construction material, until the wetland plan has been endorsed by the Planning Board Chairperson.