

Application For Wetlands Permit



Town Of Bedford Wetlands Control Commission

**425 Cherry Street
Bedford Hills, New York 10507
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Dear Applicant:

Enclosed are the required forms for completing an application for a wetlands permit for the Town of Bedford. Also included are materials which may assist you in the process. This package is designed to be self-explanatory, but please feel free to call the Town of Bedford's Wetlands Control Commission at 914-666-5140 with any questions.

The Wetlands Control Commission may only act upon *complete applications with all required supporting materials*. To allow adequate review of your application and to meet public notice requirements, applications are to be submitted to Town of Bedford Wetlands Control Commission, 425 Cherry Street, Bedford, New York 10507 *not later than twenty business days* prior to the next regular meeting of the Commission. Supplemental submissions (i.e., additional required materials) are due *not later than fifteen business days* prior to the next regular meeting of the Commission. Regular meetings usually are scheduled for the first Monday of each month, but call the number above to confirm. The owner or applicant should be present at the meeting. Please submit the following with your application:

1. Application Fee: Check or money order made payable to "Town of Bedford" for the fee as follows: (a) project involving a single lot: \$200.00; or (b) project involving more than one lot: \$200.00 plus \$25 for each additional lot or \$50 per acre of affected wetlands, *whichever is higher*.

2. Plans: Plans for the proposed work, unless otherwise specified, shall be drawn to a scale of not less than one (1) inch equals thirty (30) feet. The plans shall be certified by an engineer, architect, land surveyor or landscape architect licensed in the State of New York. Plans must show the following:

- (a) The location of all wetlands as determined by a qualified ecologist, botanist and/or soil scientist no earlier than twelve (12) months prior to the date of filing the application.
- (b) Location of construction or area proposed to be disturbed and its relation to property lines, buildings, roads and watercourses within two hundred fifty (250) feet.
- (c) Estimated quantities of material of excavation or fill.
- (d) Location of any well and depth thereof and any sewage or wastewater disposal system within one hundred (100) feet of the disturbed area.
- (e) Existing and proposed contours at two-foot intervals in the proposed disturbed area and to a distance of one hundred (100) feet beyond.
- (f) Details of any drainage system proposed, both for the conduct of the work and after completion thereof, and measures proposed to control erosion and siltation during and after the work.
- (g) Where creation of a lake or alteration of a watercourse or wetland is proposed, details of the construction of any dams, embankments and outlets or other water control devices.
- (h) A property location map.
- (i) Most recent deed, title report and survey of the property.

Note: the Commission is permitted to waive or modify the plan requirements listed above if it determines that sufficient information and documentation is submitted to enable it to make its determinations required under the law. You should check with the staff if you believe a waiver may be appropriate. This waiver or modification does not apply to wetlands listed on the State Freshwater Wetlands Map.

3. Applications Affecting Water Retention Capacity, Water Flow or Drainage (if applicable): Applications affecting the water retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, natural drainage system or wetland shall include a statement prepared by a professional engineer licensed in the State of New York of the impact of the project on upstream and downstream areas, giving appropriate consideration to flood or drought levels of watercourses and amounts of rainfall.

4. Other Permits (if applicable): Copies of all applicable town, county, state or federal permits or permit applications which are required for such work or improvement, unless such permits are conditioned upon obtaining a Wetlands Permit.

5. Other Information and Details: After initial review of your application, you may be asked to submit additional information or details.

6. Reimbursement for Town's Professional Consultants: Your application may be referred to the Commission's consultant(s) and you will be required to reimburse the Town for the cost of such consultant services. In addition to the application fee, you are required to submit a deposit to be held in escrow which the Town will apply toward reimbursement for the Town's professional consulting services. The current rate for these services is \$125.00 per hour. In some instances, the deposit will be insufficient and you will be billed to reimburse the Town the difference. *Please note that the Commission is not authorized under the Town Code to issue your permit unless and until such reimbursement is made.*

Please remember that an incomplete application package will result in delay. Your cooperation is appreciated!

Section A

Each Applicant must complete all items listed in Section A.
Place a checkmark next to each completed item.
Return this checklist with your application.

I. Fees and Escrow Deposits:

In this category place a checkmark next to the items appropriate to your application.

- _____ Please include two (2) separate checks or money orders made payable to
"Town of Bedford" for
Escrow Fee:
_____ \$500 as escrow deposit for Wetlands Permit Application
OR
_____ \$1,000 as escrow deposit for Remediation of Wetlands Law Violation Application
A \$200 minimum balance is required in the "Escrow Fee Account" for:
a) The application to be considered on any future agenda
b) A compliance inspection of the project to be scheduled
Application Fee computed as follows:
_____ \$200 for a project involving a single lot
OR
_____ \$200 for a project involving more than one lot
 PLUS Either \$25 for each additional lot
 Or \$50 per acre of affected wetlands –
 Whichever is higher

Example: A three 3-lot subdivision with 5 acres of affected wetlands will require payments totaling \$750, based on:
\$500 – Escrow Fee
\$450 – Application Fee: \$200 = Project involving more than one lot
 \$250 = 5 acres of affected wetlands X \$50 per acre of affected wetlands
_____ \$950 – Total of Fees Required

II. Application Form

- _____ Nine (9) sets each of a completed application form with all current owner(s) signature(s).

III. Environmental Assessment Form

- _____ Nine (9) sets of the Environmental Assessment form with all current owner(s) signatures(s) –
only side 1 is to be completed.

IV. Deed

- _____ Six (6) sets of most recent deed(s).

V. Title Report

- _____ Six (6) sets of most recent title report(s).

VI. Survey of Property

- _____ Nine (9) sets of survey of property.

VII. Plans

_____ Nine (9) copies each containing all of the following:

- _____ site plans
- _____ architectural plans
- _____ landscape architectural plans
- _____ wetlands plans (plans showing wetland delineation in conjunction with wetlands investigation/report do not have to conform to the stated scale.)
- _____ mitigation plan
- _____ planting plan

OR

_____ combined site plans that include wetlands, wetlands mitigation, or planting plan of the proposed work

_____ Unless otherwise specified, all plans shall be drawn to a scale of not less than one (1) inch equals thirty (30) feet.

_____ The plans shall be dated (with the last revision dates) and certified by an engineer, architect, land surveyor or landscape architect licensed in the State of New York.

_____ Plans should be individually folded so as to fit into an 8 ½ X 14 legal size folder with the property owner(s) and tax map reference written to appear on the top of the folded plan.

_____ The preparer of such plans shall comply with the attached Guidelines for Wetlands Studies and Reports as adopted by the Commission at its BWCC meeting of 5/7/01.

Plans must show the following:

_____ The location of all wetlands as determined by a qualified ecologist, botanist and/or soil scientist.

_____ The survey location of the wetlands needs to have been performed no earlier than twelve (12) months prior to the date of filing the application.

***Please note that on all new applications, the wetlands located surveys must be updated if the survey was performed earlier than twelve (12) months prior to the filing of the application.*

_____ All property lines, buildings, roads and watercourses within two hundred fifty (250) feet of any proposed construction of disturbance.

_____ Watershed and destination of water courses.

_____ Estimated quantities of material of excavation or fill.

_____ Location of access route for construction.

_____ Identification of whether the work is to be done by hand or machine.

_____ Cost estimate of the work (including all materials, plantings and professional services)

_____ Location of any well and depth thereof and any sewage or wastewater disposal system within one hundred (100) feet of disturbed area.

_____ Written proof that septic systems within regulated/controlled wetlands within the Town of Bedford have been properly maintained within the four (4) year time period prior to application.

_____ Existing and proposed contours at two-foot intervals in the proposed disturbed area and to a distance of one hundred (100) feet beyond.

_____ Details of any drainage system proposed, both for the conduct of the work and after completion thereof, and measures proposed to control erosion and siltation during and after work (erosion control).

_____ Where creation of a lake, pond or alteration of a watercourse or wetland is proposed, details of topography and proposed new grading, and the construction of any dams, embankments and outlets or other water control devices.

_____ A property location map.

_____ Prior wetland permit and resolution number if applicable.

_____ Date

Section B

Each applicant need only complete the category that is applicable to the site conditions of the property.
Choose the appropriate category(ies)
Place a check mark next to each completed item
Submit checklist with your application

I. Applications Affecting Water Retention Capacity, Water Flow or Drainage

Application affecting the water retention capacity, water flow or other drainage characteristics of any pond, lake, reservoir, natural drainage system or wetland shall include:

_____ A statement prepared by a professional engineer licensed in the State of New York of the impact of the project on upstream and downstream areas. This statement should give appropriate consideration to flood or drought levels of watercourses and amounts of rainfall.

II. Fence Permits Within Wetlands or Within the 100 Foot Wetlands Buffer

Fence permit applications must be accompanied by:

_____ Nine (9) sets of site plans OR Nine sketches clearly showing:
_____ the location and height of the proposed fence
_____ a statement of the type of material(s) to be used to construct the fence
_____ a design that allows the passage of small wildlife through the bottom of the fence to maintain corridors for upland and wetland habitat
_____ an erosion control plan

III. Deck Permit Within Wetlands or Within the 100 Foot Wetlands Buffer

Deck permit applications must be accompanied by:

_____ Nine (9) sets of site plans OR Nine (9) sketches clearly showing:
_____ the proposed location of the deck
_____ a statement of the type of material(s) used to construct the deck
_____ the construction detail
_____ deck and elevation detail
_____ an erosion control plan

IV. Other Permits (if applicable)

It should be noted that in addition to a wetlands permit, all applications may be subject to other applicable town, county, state, or federal permits.

Reimbursement for Town's Professional Consultants:

Your application will be referred to the Commission's consultant(s) and you will be required to reimburse the Town for the cost of such consultant services. The escrow mentioned above is an *estimate* of the amount needed to cover the cost for the Town's professional consulting service to review and comment on your application. The actual cost may vary. Additional payments may be required. In addition, any escrow balance cannot be refunded until all sign-offs have been issued, including sign-offs which may be required one or two years after the project is completed.

Please remember that an incomplete application package will result in delay. Your cooperation is appreciated.

Bedford Wetlands Control Commission

Guidelines for Fences

(Adopted 1/11/07)

1. **Erection of the fence will be done by hand without the operation of machinery or heavy equipment within the Wetland or Wetland/Watercourse Buffer (the “Regulated Area”).**
2. **Erection of the fence does not result in any vegetation clearing, grading, filling or other construction or development activities within the Regulated Area.**
3. **The following requirements shall apply in the event the fence is to cross any stream or other watercourse:**
 - a. **The fence shall not inhibit or alter the natural drainage flow or cause the blocking or damming of surface water.**
 - b. **No fence post is to be placed in the bed or within three feet from the edge of such stream or other watercourse.**
 - c. **The bottom portion of the fence shall be no lower than 12 inches above seasonal high water of such stream or other watercourse;**
4. **Care shall be taken to stabilize disturbed areas promptly after construction.**
5. **All necessary precautions shall be taken to prevent contamination in the Regulated Area by silt, sediment, fuels, solvents, lubricants, or any other pollutant or toxic substance.**
6. **Openings at no less than fifteen-foot intervals shall be placed for the entire course of the fence which is located in the Regulated Area so as to allow the passage of small animals. Each such opening shall be at least six inches in height above ground level and twelve inches in length.**

Bedford Wetlands Control Commission

Guidelines For Larger Projects

(Adopted 5/1/2006)

Detailed plans should be provided which include:

1. **An up-to-date survey of the entire property** which shows the existing improvements and the location of all regulated wetlands and watercourses (including wetland flag numbers, if possible) and the 100’ wetland setback. The survey should be prepared by a licensed surveyor. For properties where the wetland delineation is older than 1 year, the professional who did the original delineation should reconfirm the accuracy of the boundary in writing as part of the application. A property location map should also be provided, either as an inset or on a separate sheet.
2. **A detailed site plan showing the proposed improvements.** The site plan should include:
 - a. Clear identification of the location of construction and area proposed to be disturbed and its relation to property lines, buildings, roads and watercourses within two hundred fifty (250) feet;
 - b. new improvements should be distinguished from existing improvements by hatching, cross-hatching, shading or other clear designation;
 - c. the nearest point of the improvements to the wetlands;
 - d. the dimensions, square footage of the improvements and the square footage increase in disturbance;

- e. The limits of disturbance (building envelope) and construction ingress/egress should be identified with care given to restrict disturbance, to the fullest extent practicable, to areas outside of the wetlands and wetlands buffer;
 - f. Identify whether any proposed structure will have a foundation;
 - g. Identify the means for carrying out the construction and the equipment to be used (e.g., whether hand tools will be used);
 - h. Estimated quantities of material of excavation or fill and whether there will be any stockpiling of excavated soils for the project;
 - i. the disposition of any stockpiled soils;
 - j. whether any ledge or bedrock is expected to be encountered in excavating any portion of the site (e.g., for a foundation);
 - k. Identify how any roof run-off will be handled and whether there will be gutters and downspouts to carry the run-off. If stormwater drywells are being considered, identify the location of the lines running from the structure to the drywells;
 - l. Location of any well and depth thereof and any sewage or wastewater disposal system within one hundred (100) feet of the disturbed area;
 - m. Existing and adjusted contours at two-foot intervals in the proposed disturbed area and to a distance of one hundred (100) feet beyond;
 - n. Description of any proposed grading;
 - o. Details of any drainage system proposed, both for the conduct of the work and after completion thereof, and measures proposed to control erosion and siltation both during and after the work;
 - p. Details of any proposed erosion control plans and identification of location of siltation fences and other measures.
3. Where the proposed project entails *unavoidable* impacts, the wetlands law requires a **mitigation plan**. Please note that mitigation is distinct from avoidance and minimization of impacts. All plans must reflect every reasonable effort to avoid impacts and, where not possible, to minimize impacts to the maximum extent practical. Examples of mitigation include:
- a. Where a pre-existing septic system is located within the regulated area, relocation of the septic system as far as practicable from the regulated area.
 - b. Allowing any lawn area current in the wetland or bordering the wetland to revert to a natural state.
 - c. Creation of limited mow areas for other portions of existing lawn in the regulated area.
 - d. Enhancement of existing wetlands through any of the following or a combination thereof: (a) removal of invasive species; (b) removal of any inorganic and organic debris; and/or (c) planting of wetlands species identifying size, type, quantity, location, protocol for installation and including the legends pertaining to no use of fertilizers, herbicides, chemicals, pesticides, etc. in the regulated area.
 - e. Creation of a permanent non-disturbance area (which may include any area to revert to natural wetlands or a limited mow area) for the wetlands and a portion of the buffer through a declaration of restrictive covenants or granting of a conservation easement to a not-for-profit conservancy organization qualified to handle such easements. In either event, the document is to be recorded in the land records.

Bedford Wetlands Control Commission
Guidelines For Proposed Wetlands Delineations

(Adopted 10/1/2001)

- (1) All requests will require the following items:
 - (a) Application form.
 - (b) Deed to the property (we do not need a title report)
 - (c) \$100 payment to the Town of Bedford.

- (2) The Town Environmental Consultant will review the application and materials submitted with it, inspect the site and advise the Commission whether additional information and documentation may be required in order to ascertain the wetlands delineation, in which case the following additional items would be required:
 - (a) flagging in the field (by the soil scientist) of the wetlands boundary
 - (b) wetlands report (please see the Commission's May 7, 2001 Guidelines for wetlands reports.)
 - (c) confirmation by the Town Environmental Consultant of the wetlands boundary
 - (d) survey-location of the wetlands and wetlands buffer based on the confirmation of the wetlands boundary by the Town Environmental Consultant.
- (3) Following the Town Environmental Consultant's review of the materials and confirmation of the wetlands boundary, seven sets of all required to be submitted to the Commission.
- (4) The Commission then will act upon the request and, as needed, its own inspection of the site. The Commission's action will be in the form of a resolution adopted at a regular meeting of the Commission.

If you have any questions, please contact the staff. Your cooperation is appreciated.

Bedford Wetlands Control Commission
Guidelines For Swimming Pools

(Adopted 9/11/2006)

IMPORTANT NOTE: *If the pool is down slope of the regulated area (that is, the wetlands and buffer area), then these guidelines **may not apply at all**. We would suggest discussing the matter with the Commission's staff.*

The following assumes that the Commission is comfortable with the location and size of the pool. In addition, the site plan should provide the following:

1. Please identify the limits of disturbance.
2. Please identify the ingress/egress for the project, which to the greatest degree possible should avoid encroaching into the regulated area, so as to minimize disturbance.
3. A drywell should be considered for draining the pool (even if only partial drainage is required). Explain how this will be constructed to minimize disturbance. The drywell should be sized in proportion to the size of the pool. We would suggest consulting the Commission's staff.
4. Please identify the type of fuel proposed to heat the pool and its location.
5. Please identify any fuel, electric or other utility lines and conduits passing through the regulated area to the pool area.
6. Please add the following legends on the plan:
 - i. "Discharge of pool water into the regulated area is prohibited."
 - ii. "A self-contained filtration system for the pool shall be utilized, thus requiring no backwash whatsoever."
 - iii. "There shall be no storage of pool chemicals or other toxic substances in the regulated area."

Bedford Wetlands Control Commission
Guidelines For Wetland Studies And Reports

(Adopted 5/7/2001)

- (1) Soil borings and other commonly accepted tests should be performed to determine the presence of hydric soils.
- (2) The report should include the following:
 - (a) general description, identification and location of soil types including any hydric soils
 - (b) identification and location of plant types and whether they are typical of wetland species
- (3) The report should describe the wetland in detail including:
 - (a) functional values with supporting explanation
 - (b) flora
 - (c) fauna
 - (d) the source of the wetlands and whether it is part of a larger wetland system both on or off site
 - (e) explain where the wetland ultimate drains (e.g., reservoir, river or other water body).
- (4) Describe the wetland buffer in detail covering the same items as above in (3).
- (5) Once the wetland and the wetland buffer has been flagged on the subject property, it is to be survey-located and the survey-located and certified plan is to be submitted to the Commission for review and approval.
- (6) Winter wetland delineations are discouraged and will be subject to verification during the growing season.
- (7) Wetlands and the one hundred (100) foot setback area must be delineated and survey-located based upon flagging set by the wetlands consultant. These are subject to the verification of the Commission.
- (8) Any wetland study must have been (i) prepared not more than one year prior to the submission of the application; or (ii) if a study was prepared more than one year prior to the submission of the application, then reviewed and updated within one year.

The Commission notes that a wetland study and report is not required for every application. However, they are commonly provided with regard to properties with extensive or sensitive wetland features. Submission of the reports with the application, rather than after the first Commission hearing on the application, will facilitate and expedite the review process.

The Commission notes that these are general guidelines to assist applicants and their consultants. They are not intended to be exclusive or exhaustive. Applicants and their consultants should exercise discretion in following the guidelines and should recognize that the Commission reserves the right to request further information and study.

Legends for Mitigation Plans

- A) **Prohibition Against Application of Organic or Inorganic Chemicals (i.e., fertilizers):**
“There shall be no organic or inorganic chemicals (including, but not limited to, fertilizers, pesticides, herbicides and fungicides) deposited or introduced in the wetlands or within the wetland buffer area. To the extent any such deposits or introduction has occurred, it shall immediately be terminated.”
- B) **Wetlands Plantings – Shrubs or Trees:**
“At the time of planting of the indicated trees or shrubs, no fertilizers are to be used or added to the planting hole or top dressing. The use of biostimulants (such as, but not limited to, mycorrhizal fungi) not regulated by the New York State Department of Environmental Conservation may be applied as appropriate until one year after installation of plant materials and shall be discontinued thereafter. Horticultural oils may be applied to trees and shrubs as part of a monitored Integrated Pest Management (I.P.M.) program, however, these oils shall not be permitted to be applied to any plant material in any manner that might permit the introduction of the oil onto or into any wetlands or wetlands buffer area as delineated on the site plan approved by the Town of Bedford Wetlands Control Commission.”

Protocol for Limited Mowing Area

- 1) Identify with cross-hatching the area where mowing is to be limited.
- 2) Identify the cross-hatching as “Limited Mow Area.”
- 3) Add the following legend to the Site Plan:

“Limited Mow Area

The Limited Mow Area may be mowed twice (and no more than twice) each calendar year as follows: the first mowing of the year should be carried out in late summer (between August 15 and September 15) to a height of not less than 6 inches. If there is growth to a height of one foot or more following the first mowing, a second mowing may be done in late fall (between November 15 and December 15) or early spring (between March 15 and April 15) to a height of between 4 and 6 inches.

The owner acknowledges that the purpose of the limited mowing is to maintain meadow areas to provide habitat for nesting grassland birds and small mammals, thereby increasing the diversity of habitats found on the subject property. Meadow areas adjacent to ponds and streams also provide significant benefits relative to maintaining water quality.”

Legend for Permanent Non-Disturbance Conservation Area

1. **Purpose:** It is the purpose of the Permanent Non-Disturbance Conservation Area to preserve and protect such area against despoliation and destruction and to that purpose to prohibit certain activities in such area.
2. **Prohibited Activities:** Excepting Owner's Reserved Rights (listed below), any act prohibited or regulated by the Town of Bedford's Freshwater Wetlands Law shall be prohibited in the Permanent Non-Disturbance Conservation Area and without limiting the generality of the foregoing, the following activities and uses are expressly prohibited in, to, on, over, through, under or with respect to the Permanent Non-Disturbance Conservation Area:
 - a) Placing or depositing materials or chemical wastes or introducing influents of sufficiently high thermal or chemical content as to cause deleterious ecological effect in the Permanent Non-Disturbance Conservation Area.
 - b) Any structure, accessory structure, swimming pool or tennis court.
 - c) Any form of draining, dredging, dewatering, excavation or removal of material, either directly or indirectly.
 - d) Any form of dumping, filling or depositing of material, either directly or indirectly.
 - e) Introduction of any form of pollution, including but not limited to the installation of a septic tank, the running of a sewer outfall or the discharge of sewage treatment effluent or other liquid wastes into or so as to drain into the Permanent Non-Disturbance Conservation Area.
 - f) Alteration or grading natural features and contours, alteration of drainage conditions or diversion of any flow of a watercourse, water body, marsh or swamp.
 - g) Construction of docks, dams, other water control devices, pilings or bridges, whether or not they change the ebb and flow of the water.
 - h) Installation of any service lines, cable conduits, pipes or wells.
 - i) Construction of driveways or roads.
 - j) Cutting any healthy trees, shrubs or non-invasive material.
 - k) Depositing or introducing organic or inorganic chemicals, including without limitation any fertilizers, pesticide, herbicide or fungicides.
 - l) Conducting any other activity that substantially impairs any of the functions or benefits to wetlands as described in the Law.
 - m) Operation of snowmobiles, dune buggies, motorcycles, all-terrain vehicles, or any other types of motorized vehicles on the Protected Property.
 - n) Conducting any other activity which under the Law, as may be amended from time to time, constitutes a controlled act or otherwise would require a permit.
3. **Owner's Reserved Rights:** Notwithstanding any of the foregoing provisions to the contrary and as expressly limited herein, the Owner reserves the following reserved rights (the "Owner's Reserved Rights"), without prior notice to the Town; provided, however, that the exercise of such rights will not interfere with or have an adverse impact on the essential natural, open and scenic quality of or the conservation interests associated with the property:
 - a) The right to hike and observe nature.
 - b) The right to maintain existing walls and fences.

- c) The right to remove dead and diseased vegetation.
 - d) The right to sell, give or otherwise convey the property any portion or portions of the property, provided such conveyance is subject to these terms..
 - e) The right to restore any existing structure on the property in the event of damage or destruction; provided, however, that (i) Owner shall make application to the Town of Bedford Wetlands Control Commission with respect thereto; and (ii) in no event shall any restored structure exceed the footprint or area of the pre-existing structure.
 - f) The right to maintain existing structures at the property without otherwise violating these terms.
4. **Enforcement:** The Town and its successors and assigns shall have the right to enforce these provisions by proceedings at law or in equity, including but not limited to the right to require the restoration of the Permanent Non-Disturbance Conservation Area.
5. **Easement to the Town for Monitoring and Enforcement:** Owner hereby grants the Town an easement over the property for the purposes of monitoring and enforcing these terms.