

Code Item

Current Code

Current Draft (#2)

Referral Recommendation(s)

**Section 178-3: Findings of fact**

Present

Deleted

**Section 178-5: Intent**

Present

Deleted

**Section 178-6: Definitions**

Majority of definitions removed

1) Board Permits Defined

Not Present

Defines PB and TB permits

2) Engineering Permits Defined

Not Present

Defines Engineer permits plan

3) Wetland/Freshwater Wetland Defined

1 of 3 wetland parameters (plants, soils, hydrology) required to delineate wetland area to delineate wetland area

All three parameters are required

Waterbody/pond

Must have water at least

Vernal pool-not protected

3 months/year

1,000 square feet jurisdictional size

Added-protected

Not Defined

1/10 acre (4,356 square feet) jurisdictional size.

4) Wetland Functional Assessment

Not Defined

Defined

**Section 178-7: Rules for Establishing and Interpreting wetland boundaries**

Use of GPS mapping

Not indicated

Allowed to create preliminary wetland boundary map

**Section 178-8: Wetland Clearance/Inspection Forms**

Required

Deleted

**Section 178-9: Prohibited, regulated and permitted acts (in wetland/wetland buffer areas):**

A: Permitted Acts

Installation and replacement of

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		public utilities with less than 2 cubic yards disturbance. Installation of air conditioning pads/equip within 10' of house foundation. Installation of generator equipment within 10' of house foundation.	
		In kind replacement of decks, patios, walkways in steps within lawn/foundation planting areas provided no expansion. Installation of new deck footings and stairway pads within existing lawn/foundation planting areas. Maintenance of all Town stormwater structures Tree removal or pruning on behalf of the Town.	
B: Regulated Acts:		No changes	
C: Prohibited Acts		Added: "pollutants"	
<b><u>178-10: Permit Applications:</u></b>			
A: Administrative Permits		Changed to Engineering Permits Added Requirements: application, short-form EAF, drawing depicting wetlands/buffers, erosion and sediment control plan.	
3A: Regulated Acts permitted with	300 cubic yard disturbance	Removed	

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an administrative permit	threshold	Removed	
	225' foot driveway threshold	Removed	
	18" culvert threshold	Removed	
	Activities within NYSDEC wetland or wetland buffer	Removed	
	Swimming pools within 50' of wetlands	Removed	
	Grading of 10,000 square feet in wetland or wetland buffer	Revised to 20,000 square foot threshold	
B: Nonadministrative permit applications		Changed to "Board Permits"	
B1: Application materials required:	Functional Assessment not referenced	Functional Assessment may be required.	
	Cost estimate not referenced	Written cost estimate for mitigation plantings	
F: Escrow Accounts	Included	Deleted	
G: Monitoring and Inspection Fees	Provides inspections by consultants/escrow used	Deletes references to outside consultants and escrows	
<b><u>Section 178-11: Procedures for Permits:</u></b>			
D: Conservation Board memorandum	Required	Deleted	
E1:	Refers to Conservation Board	Refers to designated staff, departments and boards.	
<b><u>Section 178-12: Standards for Permit Decisions</u></b>			
	Included	Deleted	

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<b><u>Section 178-15: Other Laws and Regulations:</u></b>			
	Included	Deleted	
<b><u>Section 178-16: Expiration of permit:</u></b>			
	One year + (2) 90 day extensions	Three years + (1) year extension for Board Permits only	
		One year + (1) year extension for Engineering Permits only.	
<b><u>Section 178-17: Mitigation Policy:</u></b>			
B3: Mitigation Plan	Indicates greater than 1:1 replacement may be required.	Deleted	
<b>C: Mitigation Plan Requirements</b>			
	C1a: Hydrological data, C1b: Soils Deleted		
	C1c: Vegetation and wildlife		
<b><u>Section 178-18: Sanctions; penalties for offenses:</u></b>			
A3: Stop-work order	Remedy text not included	Remedy text added. Stop work shall state the conditions under which work may be resumed.	
<b><u>Section 178-19: Additional remedies</u></b>			
	Included	Deleted	
<b><u>Section 178-20: Wetland Acquisition</u></b>			
	Included	Deleted	
<b><u>Section 178-22: Applicability:</u></b>			
	Included	Deleted	
<b><u>Section 178-23: Consent</u></b>			
	Included	Deleted	