

Building a single home or multiple homes? What you should know about building codes and regulations

If you own property in the NYC Watershed and plan to build on it, you should familiarize yourself with this Fact Sheet.

What are the rules and regulations?

There are a number of agencies that implement rules & regulations governing stormwater, soil erosion, septic placement, and stream & wetland impacts. Whether developing a single family home, a business, or large lot subdivision, development activities are monitored to minimize impacts to water, air, & animals, which ultimately affect human communities.

Following is a list of regulatory agencies that monitor and issue permits for development activities.

[NYC Department of Environmental Protection](#)

The Watershed Rules & Regulations that affect new development the most include:

! No septic systems allowed within 100 feet of a watercourse or wetland, or 300' of a reservoir, or reservoir stem.

! No new impervious surfaces (roofs, pavement) permitted within 100 feet of a watercourse or 300 feet of a reservoir or reservoir stem. Access roads to subdivisions are allowed within the 100 foot buffer subject to approval by DEP of a stormwater pollution prevention plan (SWPPP). Certain exemptions apply to individual residential housing and designated hamlets & village areas.

! Construction of new individual residences within 100 feet of a perennial stream require a residential stormwater permit from DEP.

! A SWPPP is required for the following activities:

- > development or disturbance of land greater than 5 acres of total land area (doesn't have to be contiguous)
- > clearing or grading land involving two or more acres within 100 feet of a watercourse or on a slope exceeding 15%
- > subdivisions of 5 lots or more of 5 acres or less each
- > construction of a new facility creating more than 40,000 square feet of impervious surface
- > construction of an impervious surface in a village, hamlet, or commercially-zoned area

[NYS Department of Environmental Conservation](#)

Enforces provisions involving streams, stormwater runoff, & wetlands > 12.4 acres or of local significance.

A construction stormwater permit is required for any soil disturbance *one acre and over*. A Notice of Intent must be filed with the regional DEC office before any work commences.

A *Protection Of Waters* Permit is required for disturbing stream bed and banks of certain classified streams (disturbance may be either temporary or permanent in nature).



Regional offices can tell you

whether your project involves a classified stream or not. Call before conducting any of these activities:

- placement of structures in or across a stream (i.e., bridges, culverts or pipelines);
- fill placement for bank stabilization or to isolate a work area (i.e., rip-rap or coffer dams);
- Excavating gravel
- lowering stream banks to establish a stream crossing;
- utilization of equipment in a stream to remove debris or to assist in-stream construction.

Fines up to \$37,500 per violation per day can be imposed for activities that take place without a permit.

[United States Army Corp of Engineers](#)

The ACOE regulates impacts to all waterways & wetlands (NYSDEC regulates wetlands over 12.4 acres). Projects typically requiring an ACOE permit involve discharges of dredged or fill material into waters including wetlands.



Freshwater wetlands (above) are found throughout the mountaintop and provide multiple benefits to water quality.

[NYS Department of Health](#)

Enforces standards relating to water well location, construction & design and, in conjunction with NYCDEP, individual home wastewater treatment systems (septic placement).

[Local Building Code Rules](#)

Each municipality employs a code enforcement officer (CEO) who must enforce the Uniform Building Code. The NYS Uniform Building Code regulates construction of buildings and impacts to neighboring parcels. Property owners & CEO's are responsible for ensuring provisions are made to control water run-off and erosion during construction or demolition activities.

Before



After



Construction of driveways without proper erosion controls can result in local & regional water quality problems.

Contact Information

For permits pertaining to stream disturbance, stormwater prevention, and wetlands over 12.4 acres or of local significance:

- NYS DEC, Division of Environmental Permits
65561 State Hwy 10, Stamford, NY 12167.
(607) 652-7741. Martha Wood, Regional Administrator, mawood@gw.dec.state.ny.us

For permits impacting waterways & wetlands under 12.4 acres that may be affected by development:

- U.S. Army Corps of Engineers, Upstate Field Office, 1 Buffington Street, Watervliet Arsenal Watervliet, NY 12189-4000, (518) 266-6351, Amy Gitchell, Enforcement Officer

For permits pertaining to septic placement approval, stormwater prevention plans, individual residential stormwater permits, & watercourse identification:

- NYC DEP, Water Supply Bureau, 71 Smith Ave., Kingston, NY 12401. Joe Damrath, Environmental Analyst, (845) 340-7234, jdamerath@dep.nyc.gov
- For septic system approval contact: Christopher Costello (845) 340-7235, ccostello@dep.nyc.gov

For stream restoration, riparian planting recommendations, soil studies, wetland identification, and aerial maps:

- Greene County Soil & Water Conservation District, 907 County Office Bldg., Cairo, NY 12413. (518) 622-3620. Jeff Flack, Executive Director, jeff@gcswcd.com

For standards pertaining to water well location, construction, & protection, and wastewater treatment:

NYS Department of Health, Bureau of Water Supply Protection, Flanigan Square, 547 River Street, Troy, NY 12180. (518) 402-7650, (800) 458-1158

Did you know that.....

- Soil blankets need seed & fertilizer to grow! The blankets help stabilize soil but it's the seed and fertilizer that re-vegetate disturbed areas.
- Disturbing streams classified as A, B or C without a permit is a violation of the Environmental Conservation Law, resulting in a fine
- Disturbing one acre or more of land requires a Stormwater Pollution Prevention Plan (SWPPP)
- SWPPP involve erosion & sediment control practices that are used during and after construction
- Un-vegetated roadside ditches contribute significantly to adding sediment & contaminants into waterways

The Watershed Assistance Program Serving Mountaintop Communities in Greene County

The Greene County Watershed Assistance Program (WAP), a program of the Greene Co. Soil & Water Conservation District, was created to provide technical assistance to watershed communities, including the public and private sectors, to understand rules and regulations governing development in the NYC Watershed and to maximize the opportunities to benefit from watershed programs and resources. The program covers the Town and Village of Hunter, the Village of Tannersville, and the Towns of Windham, Ashland, Jewett, Lexington, Prattsville, and Halcott.

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Office open Monday through Friday or by appointment other days of the week.

Building in the NYC Watershed What property owners in Greene County should know



Greene County Watershed Assistance Program



A program of the Greene County Soil & Water Conservation District