

Instructions for Town of Chester Application for Zoning Permit

(Please Read Carefully)

Introduction

The issuance of a Zoning Permit is required for any land use or development that occurs on any property within the Town of Chester¹. Land use or development activities that require a Zoning Permit include but are not limited to construction, alteration, or demolition of any structure (principal, accessory), installation of a swimming pool or solar PV array system, etc. Depending on the nature of your project, additional approvals from other Agencies or review by Local Boards may be required. A list of State Agencies is also attached to this Application. Prior to submitting an Application for a project, it is strongly encouraged that an Applicant discuss the proposal with the Zoning Administrator.

Please Note: If your property is within ¼ mile of the Hudson/Schroon Rivers, an Adirondack Park Agency determination of jurisdiction is required prior to issuance of a Zoning Permit.

Instructions

Please include the following with the Application:

1. **Three (3) copies of a Plot Plan, drawn to scale.** See attached Plot Plan Checklist to find the plot plan requirements for submission. Please make sure that all that is listed in the Checklist has been included prior to submittal.
2. **Three (3) sets of construction plans or drawings.** Construction plans are required to be reviewed and signed by the Zoning Administrator prior to submittal to the Warren County Building Codes Department for a Building Permit. The Plans shall include elevations, floor plans (existing and proposed), and cross sections of the construction, including dimensions. One set will be retained by the Zoning Office; the other two signed sets will accompany the Warren County Building Permit Application. Under certain circumstances, a County Building Permit is not required.
3. **Authorization Form.** If the Application and materials are being submitted by someone other than the owner of record, the Authorization Form **must be** completed and attached with this Application.
4. Appropriate Fee(s). Please see Fee Schedule.
5. If applicable, any construction taking place within an Association must have written permission from the Association for a Zoning Permit to be issued. Once obtained, attach copy with this Application.

Additional Information (please read carefully):

1. Any proposed driveway accessing any Town Road is subject to review and approval by the Town of Chester Highway Superintendent or Deputy Superintendent (see attached).
2. For new residential construction, replacement of existing dwellings, and new additions or alterations to existing dwellings increasing the number of bedrooms or addition of rooms that will or can be used as bedrooms, please refer to the Fact Sheet provided with this Application regarding the need for a licensed design professional for the design of residential onsite wastewater treatment systems (OWTSs). If your project requires a Septic Permit or an evaluation by a licensed design professional, you must also submit an On-Site Wastewater Treatment System Application or evaluation results (if your project does not require the need for installation of a new OWTS or upgrade to existing OWTS) **at the same time of submission for the Zoning Permit Application. If required, a Zoning Permit for your project will not be issued until an OWTS Application with plans has been filed.**

¹ Section 4.02(E) of the Zoning Local Law exempts a fuel tank, fence or flag pole from requiring a zoning permit. Also excluded are any moveable structures 50 sq. ft. or less and less than 4 ft. in height.

3. If the proposed project does not meet certain criteria or requirements of the Zoning Local Law (i.e. Setback requirements found in Section 4.03, exterior alterations or additions to existing or permitted residential and accessory structures which would increase the square footage by more than 50%), the Zoning Administrator will deny the proposal and the Applicant may submit an Application (i.e. Variance or Site Plan Review Application) to the appropriate Board(s) for review of the project.
4. If your proposal meets all criteria and requirements of the Zoning Local Law and is approved by the Zoning Administrator, a Zoning Permit and project identification card will be issued and mailed to you.
5. Provided below is a list of State Agencies with contact information. **It is the Property Owner/Applicant's responsibility to obtain necessary Permits from any other governmental entity.** Potential Agencies may include but are not limited to Adirondack Park Agency (APA), NYSDEC, NYSDOH, Warren County Fire Prevention and Building Codes, etc.



Updated 8/4/2016

Development in the Adirondack Park - Potential State & Federal Permitting Agencies

In addition to local (town/village/county) building or subdivision permits, please be aware that you may also need a separate permit from one or more of the following state/federal agencies (this list may not be comprehensive). It is the landowner's responsibility to obtain the appropriate permits for a project.

<p>NYS Adirondack Park Agency Jurisdictional Inquiry (JIF) Office PO Box 99 Ray Brook, NY 12977 (518) 891-4050 www.apa.ny.gov</p> <p>APA Permits/Approvals may be needed for:</p> <ul style="list-style-type: none"> • Construction of dwellings • Subdivisions of land • Activities in or affecting wetlands • Change in use of certain buildings • New commercial & industrial uses • Towers & other structures over 40 feet in height • Shoreline structures (including retaining walls) • Waste disposal areas • Other activities - please contact APA, ask for the Jurisdictional (JIF) Office 	<p>NYS Department of Environmental Conservation Regional Permit Administrator</p> <p>DEC Region 5</p> <table border="0"> <tr> <td>Headquarters PO Box 296 Ray Brook, NY 12977 (518) 897-1234 (Clinton, Essex, Franklin, Hamilton Counties)</td> <td>Warrensburg Office 232 Golf Course Road Warrensburg, NY 12885 (518) 623-1282 (Warren, Washington, Fulton, Saratoga Counties)</td> </tr> </table> <p>DEC Region 6 (Herkimer, Jefferson, Lewis, Oneida, St. Lawrence Counties)</p> <p>Region 6 Headquarters 317 Washington ST Watertown, NY 13601 (315) 785-2245</p> <p>DEC Permits may be needed for:</p> <ul style="list-style-type: none"> • Disturbance of bed or banks of streams, lakes, rivers (including bridges, boathouses, shoreline stabilization) • Large wastewater systems • Floating objects in navigable waters • Public water supplies • Stormwater discharge for construction sites of 1 acre or more • Solid waste & hazardous waste disposal • Other activities - please contact DEC 	Headquarters PO Box 296 Ray Brook, NY 12977 (518) 897-1234 (Clinton, Essex, Franklin, Hamilton Counties)	Warrensburg Office 232 Golf Course Road Warrensburg, NY 12885 (518) 623-1282 (Warren, Washington, Fulton, Saratoga Counties)						
Headquarters PO Box 296 Ray Brook, NY 12977 (518) 897-1234 (Clinton, Essex, Franklin, Hamilton Counties)	Warrensburg Office 232 Golf Course Road Warrensburg, NY 12885 (518) 623-1282 (Warren, Washington, Fulton, Saratoga Counties)								
<p>Department of Health NYS DOH District Offices</p> <table border="0"> <tr> <td>Saranac Lake (Essex, Franklin, Hamilton) (518) 891-1800</td> <td>Glens Falls (Saratoga, Warren, Washington) (518) 793-3893</td> </tr> <tr> <td>Canton (St. Lawrence) (315) 386-1040</td> <td>Herkimer (Fulton, Herkimer) (315) 866-6879</td> </tr> <tr> <td>Watertown (Jefferson, Lewis) (315) 785-2277</td> <td></td> </tr> </table> <p>County DOH Offices (administer NYS DOH jurisdiction)</p> <table border="0"> <tr> <td>Clinton County DOH (518) 565-4870</td> <td>Oneida County DOH (315) 798-5064</td> </tr> </table> <p>DOH Permits may be needed for:</p> <ul style="list-style-type: none"> • Septic systems • Realty Subdivisions (5 or more lots, each lot 5 acres or less in size within any 3 year period) • Shared ("community") household water supplies • Food service establishments • Other activities - please contact DOH 	Saranac Lake (Essex, Franklin, Hamilton) (518) 891-1800	Glens Falls (Saratoga, Warren, Washington) (518) 793-3893	Canton (St. Lawrence) (315) 386-1040	Herkimer (Fulton, Herkimer) (315) 866-6879	Watertown (Jefferson, Lewis) (315) 785-2277		Clinton County DOH (518) 565-4870	Oneida County DOH (315) 798-5064	<p>US Army Corps of Engineers Upstate NY Field Office Watervliet, NY (518) 266-6350</p> <ul style="list-style-type: none"> • Structures in/over/under navigable US waters • Discharge of dredged or fill material into US waters • Other activities - please contact USACE
Saranac Lake (Essex, Franklin, Hamilton) (518) 891-1800	Glens Falls (Saratoga, Warren, Washington) (518) 793-3893								
Canton (St. Lawrence) (315) 386-1040	Herkimer (Fulton, Herkimer) (315) 866-6879								
Watertown (Jefferson, Lewis) (315) 785-2277									
Clinton County DOH (518) 565-4870	Oneida County DOH (315) 798-5064								
<p>NYS Department of Transportation NYS DOT Regional Offices</p> <table border="0"> <tr> <td>Region 1 Office (Essex, Saratoga, Warren, Washington) Albany, NY (518) 457-3522</td> <td>Region 2 Office (Fulton, Hamilton, Herkimer) Utica, NY (315-793-2447)</td> <td>Region 7 Office (Clinton, Franklin, Jefferson, Lewis, St. Lawrence) Watertown, NY (315) 785-2333</td> </tr> </table> <p>DOT Permits may be needed for:</p> <ul style="list-style-type: none"> • Work in State Highway ROWs including new driveway access, underground & overhead utilities • Other activities - please contact DOT 	Region 1 Office (Essex, Saratoga, Warren, Washington) Albany, NY (518) 457-3522	Region 2 Office (Fulton, Hamilton, Herkimer) Utica, NY (315-793-2447)	Region 7 Office (Clinton, Franklin, Jefferson, Lewis, St. Lawrence) Watertown, NY (315) 785-2333	<p>Other Potential Agencies*:</p> <p>Lake George Park Commission (Docks, moorings, marinas, stormwater in Lake George Basin) (518) 668-9347</p> <p>NYS Office of General Services (Activities on submerged lands owned by NYS) (518) 474-2195</p> <p>Hudson River/Black River Regulating District (Activities on land under the jurisdiction of the HRBRRD i.e. docks & marinas on Sacandaga) (518) 661-5535</p> <p>Office of Parks, Recreation and Historic Preservation NY State Historic Preservation Office (518) 237-8643</p> <p><i>*List may not be comprehensive</i></p>					
Region 1 Office (Essex, Saratoga, Warren, Washington) Albany, NY (518) 457-3522	Region 2 Office (Fulton, Hamilton, Herkimer) Utica, NY (315-793-2447)	Region 7 Office (Clinton, Franklin, Jefferson, Lewis, St. Lawrence) Watertown, NY (315) 785-2333							



Town of Chester
 Planning and Zoning
 P.O. Box 423
 Chestertown, NY 12817
 Phone: (518) 494-7369

Application #: ZP20____ - ____
 Date Received: ____/____/____
 Amt. Paid: _____

Application for Zoning Permit

Contact Information:

Property Owner's Name: _____

Mailing Address: _____

Phone (Cell and/or Home): _____ Email: _____

Applicant's Name: _____

Mailing Address: _____

Phone (Cell and/or Home): _____ Email: _____

Contractor's Name: _____

Mailing Address: _____

Phone (Cell and/or Home): _____ Email: _____

General Property Information:

Physical Address (911 Location): _____ Tax Map #: _____

Zoning District: Hamlet:____ Rural Use:____ Low Intensity:____ M. Intensity:____ R. Mgmt.:____ Industrial:____

Acreage: _____

General Project Information:

Issuance of a Zoning Permit is requested for:

- | | | |
|----------------------------------------------------------|----------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Single Family Dwelling (S.F.D.) | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Addition or Alteration ² |
| <input type="checkbox"/> Solar PV System: | <input type="checkbox"/> Swimming Pool | <input type="checkbox"/> Boathouse |
| <input type="checkbox"/> Guest Cottage ³ | <input type="checkbox"/> Demolition | <input type="checkbox"/> Other: _____ |

Estimated Project Cost: \$ _____

Description of project. List all dimensions of proposed construction (including overhangs): _____

² Please complete "Worksheet for Area Calculations".

³ Guest cottage must only contain one-half or less of the enclosed floor space of the S.F.D. or 2,000 sq. ft., whichever is less.

	Front Yard	Rear Yard	Right Side Yard ¹	Left Side Yard ¹	Shoreline (if applicable)
MINIMUM Setback Requirement					
PROPOSED Setback Distance (in ft.)					

Setback distances are to be measured (in ft.) from the closest edge of the proposed structures, **including overhangs**, to the property line.

Front Yard: The depth of front yard shall be measured between the adjacent highway right-of-way line and the closest edge of the proposed structure.

If waterfront property, shoreline setback measurement shall be the shortest distance (measured horizontally) from the proposed structure(s) to the shore line of any lake, pond, river and/or all streams which are navigable by boat, including canoe.

¹Right and Left Side Yard setbacks are determined as viewed from the Road/Street.

	Height of Structure	Stories	Bedroom(s)
Existing			
Proposed			
Maximum Permitted			

Elevation and Slope of Property:

Any New Land Use and Development, including single family dwellings, in any district on lands at an elevation in excess of 1,400 feet above sea level or on slopes in excess of 15% shall be subject to site plan review.

Please indicate the following:

Is the Elevation of the portion of your property you intend to build on less than 1,400 feet above sea level? Yes: ___ No: ___
 Slope of the disturbed area: Flat ____ Moderate (<15%) ____ Steep (>15%) ____

Worksheet for Area Calculations:

****If your project does not involve exterior alterations or additions to existing permitted residential or accessory structure(s), you do not need to fill out the information below.****

Section 5.03(A)(3) of the Zoning Local Law exempts the following from Site Plan Review Approval:

Exterior alterations or additions to existing or permitted residential and accessory structures which would, as of the date of the adoption of this Local Law, increase the square footage by less than 50%.⁴ If over 50%, Site Plan Review approval is required.

Existing Structure(s)	Existing Structure(s) (in sq. ft.) (a)	Proposed Addition(s) or Exterior Alteration(s) (in sq. ft.) (b)	Percentage of Increase (b) ÷ (a) x 100
Single Family Dwelling			
Detached Garage			
Guest Cottage			
Storage Shed			
Other			

⁴ The area in square feet measured from the exterior walls of a structure, including the sum total of all floor areas, and including all attached covered porches and covered decks, and all other attached components with a roof or cover. The area shall also include any finished attic or basement. Finished attic or basement is one which contains walls, flooring, and ceiling suitable for use as a bedroom living room, playroom or office area.

Lot Coverage:

Step 1: Determine Total Square Footage of Property (A)

Total Acreage _____ x 43,560 = _____

OR Length (ft.) _____ x Width (ft.) _____ = _____ Total Square Ft.

Step 2: Determine Existing and Proposed Building Coverage:

	Existing Footprint (in sq. ft.) (B)	Proposed Footprint (in sq. ft.) (C)
Principal Building (i.e. Dwelling), including covered structures (porches, decks, sunrooms)		
Detached Garage		
Guest Cottage, including covered structures (porches, decks, sunrooms)		
Pole Barn		
Storage Shed		
Swimming Pool (If round: Radius x Radius x 3.14)		
Other:		
TOTAL:		

Step 3: Determine the Percentage of Lot Coverage (Existing and Proposed):

Percentage of Existing Lot Coverage TOTAL OF (B) ÷ (A) x 100	Percentage of Proposed Lot Coverage TOTAL OF (C) ÷ (A) x 100	Maximum Lot Coverage Allowed in Zone

If the percentage above is more than the maximum lot coverage allowed, a variance is required.

Additional Project Information:

1. If your project received Site Plan Review approval, please provide Application #: _____
2. If a variance has been granted in connection with your project, please provide Application #: _____
3. Are there jurisdictional wetlands located on your parcel? Yes: ___ No: ___
4. Are other permits required for the project? If applicable, please attach Permit(s) or Jurisdictional Determination to this Application. APA: _____ DEC: _____ DOH: _____ Other: _____

If your property has waterfront, please answer questions 1-4:

1. Shoreline Frontage: _____
2. Is the building lot located in a flood plain? Yes: ___ No: ___
3. Within 35 ft. of the shoreline, will there be any removal of trees in excess of six inches in diameter at breast height, as a result of your project? Yes: ___ No: ___
 - If yes, how many trees will be removed? _____
 - Please refer to Section 7.01(C)(1) regarding Cutting Restrictions attached to this Application and discuss your plan with the Zoning Administrator.
4. Within 6 feet of the shoreline, will there be any removal of vegetation as a result of your project? Yes: ___ No: ___
 - If yes, how much vegetation will be removed? _____
 - Please refer to Section 7.01(C)(2) regarding Cutting Restrictions attached to this Application and discuss your plan with the Zoning Administrator.

I certify that the Application, plans and supporting materials are true and correct to the best of my knowledge and all work will be performed in accordance with the description, plan, specifications and such special conditions. The undersigned is the owner of the property listed in this Application or has been authorized by the owner(s) to act as agent in procuring the Zoning Permit herein requested.

I hereby authorize the Town of Chester, its employees, and authorized agents access to the property for purpose of inspection.

Applicant's Signature

Date

To Be Completed by the Zoning Administrator (Office Use Only)

Action Taken: Approved (Zoning Permit Issued): _____ Denied: _____

Reasons for Denial: _____

Additional Town Approvals Required: Site Plan Review: _____ Variance: _____

Zoning Administrator

Date

AUTHORIZATION FORM
“TO ACT AS AGENT FOR”

I, _____, owner of the premises
located at: _____ in the Town of Chester,
identified by Tax Map Parcel #: _____,
hereby designate: _____,
to act as my AGENT regarding my Zoning Permit for:

Owner's Signature

Date

Agent's Signature

Date

Local Law No. 1 of 2004 of the Town of Chester was duly passed by the Town Board on February 10, 2004, in accordance with the applicable provisions of law:

A Local Law Requiring Approval of New Driveways Accessing Town Roads in the Town of Chester

Be it enacted by the Town Board of the Town of Chester, as follows:

1. **Legislative Intent:** The purpose of this Local Law is to provide for public safety by ensuring that driveways which access Town roads are situated in a location which will facilitate safe ingress and egress and constructed in a manner that will not interfere with drainage, maintenance or other use of the Town road. It is adopted pursuant to Municipal Home Rule Law S.10.
2. **Approval of Proposed Driveways:** Review and approval by either the Town of Chester Highway Superintendent or Deputy Superintendent shall be required prior to commencement of construction activities, including land clearing or grading, for any new driveway which is proposed to access a Town road. As part of this approval, the Superintendent or Deputy may require installation of a culvert, if necessary, to prevent drainage problems.
3. **Enforcement:** Any person who violates any provision of this Local Law shall be liable to a civil penalty of not more than two hundred fifty dollars (\$250.00) for each day or part thereof during which such violation shall be continued. Alternatively, or in addition to an action to recover civil penalties as provided above, the Town Board may institute any appropriate action or proceeding to prevent, restrain, enjoin, correct or abate any violation of or to enforce any provision of this Local Law.
4. **Repealer:** All Local Laws or ordinances or parts of Local Laws or ordinances in conflict with any part of this Local Law are hereby repealed.
5. **Effective Date:** This Local Law shall take effect upon filing in the office of the New York State Secretary of State.

***Town of Chester, Local Law 1, 2004
Filed on 04/19/2004
State of New York, Department of State***

Plot Plan Checklist

(See Sample Plot Plan for reference)

General Information:

- Property Owner's Name
- Physical Address
- Tax Map Parcel Number
- Project Description
- North Arrow
- Scale (i.e. 1"=10', 20', 30'). **Minimum scale is 1"=10'**. Draw to a scale divisible by 10.
- Accurate lot configuration and dimensions of the property
- Public and private roads (including road names)
- Location of the driveway

Proposed Structure(s):

- Location, dimensions and use of the proposed structure(s) and/or addition(s) on the property
 - Any proposed structure and/or addition **to be drawn with dotted lines** and properly labeled
 - Include the distance of the proposed structure(s) and/or addition(s), including overhangs, to each property line. If you have questions regarding the determination of property lines (i.e. front, rear, side), please call the Zoning Office for assistance.
- If waterfront property, the shortest distance (measured horizontally) from the proposed structure(s) to the shore line of any lake, pond, river and/or all streams which are navigable by boat, including canoe
- Distance of the proposed structure(s) and/or addition from the septic system (proposed or existing)
- Please Note: Setback measurements shall be taken from the closest point of the proposed structure (including overhangs) to each property line, lake, stream, etc.**

Existing Structure(s):

- Location, dimensions and use of all existing structure(s) on the property
 - Existing structure(s) **to be drawn with solid lines** and properly labeled
- If your project involves demolition of an existing structure, indicate which structure will be demolished.
- Distance of each existing structure(s) to property lines

Septic System and Well:

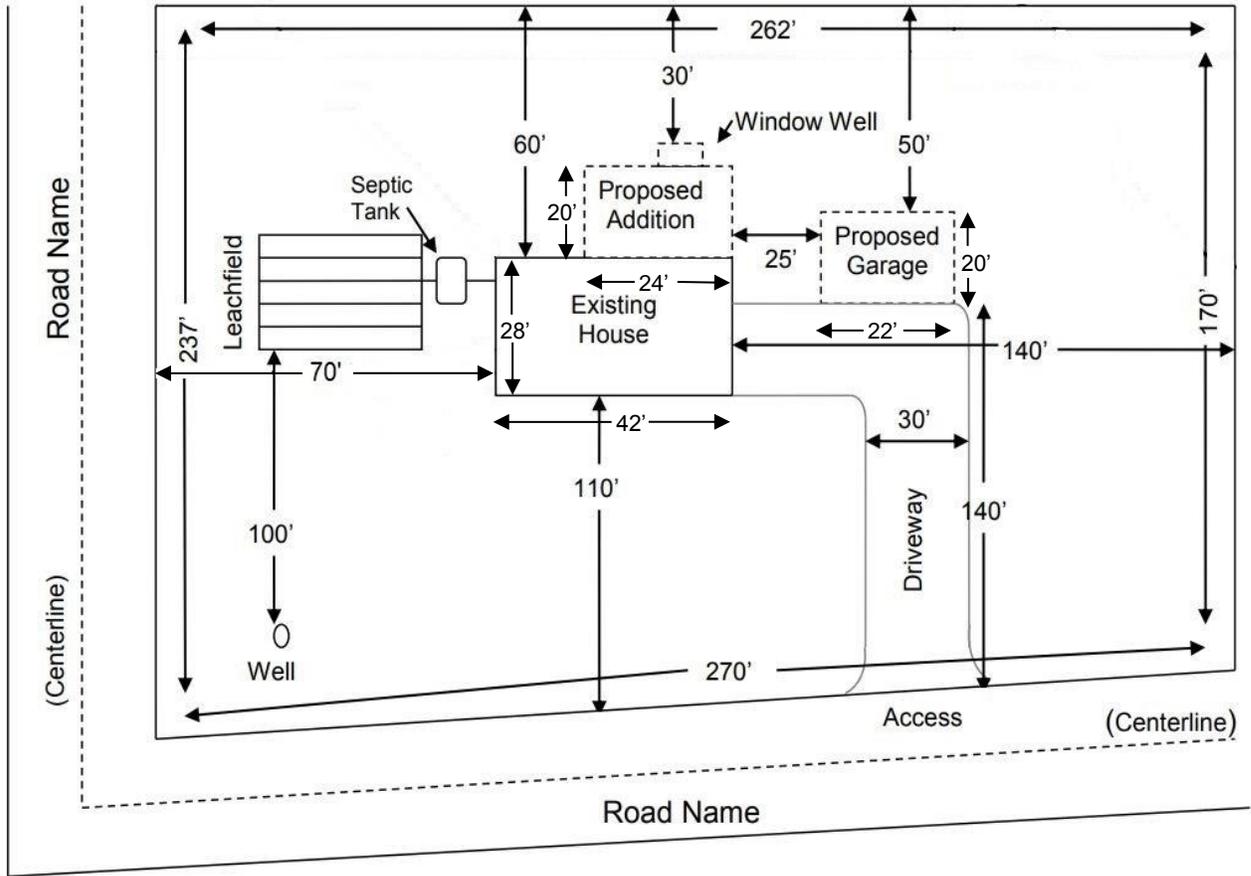
- Location of the septic system (existing or proposed)
- Distances of septic system from structure(s) and property lines
- Location of well and distances to septic system (i.e. septic tank, absorption field)
- For proposed septic system, refer to additional site plan requirements listed in the Septic Wastewater Application.

SAMPLE PLOT PLAN

(Please note the plot plan below is not drawn to scale and is for illustrative purposes only)



Scale: 1 inch = 50 ft
0 25 50



Property Owner's Name: John and Jane Doe

Physical Address: 123 Main Street

Zone Classification: Hamlet

Tax Map #: 12.-1-50

Acreage: .24 acres

Section 4.03 Schedule of Area, Bulk, and Height Controls.

District	Intensity	Minimum Lot Size	Minimum Setback			Minimum Dimensions		Maximum Height		Maximum Lot Coverage (Impervious Area)
			Front	Side	Back	Road Frontage	Depth	Feet	Stories	
Hamlet	0.5 acre/ principal building	.50 acre .25 acre*	25'**	15'	25'	75'	75'	39'	2	75%
Moderate Intensity	1.3 acres/ principal building	1 acre	60'	15'	50'	200'	200'	39'	2	75%
Low Intensity	3.2 acres/ principal building	1 acre	60'	25'	75'	200'	200'	39'	2.5	25%
Rural Use	8.5 acres/ principal building	1 acre	100'	50'	75'	200'	200'	39'	2.5	15%
Resource Management	43.5 acres/ principal building	1 acre	200'	100'	100'	500'	N/A	39'	2	5%
Industrial	none	1 acre	50'	15'	50'	100'	150'	39'	N/A	95%

* with municipal water supply

** provided further that in a built-up area where the majority of buildings already erected on the same side of the street within two hundred (200) feet of the lot on which a building is proposed to be erected have structure setbacks from the front lot line or centerline of the travel way, as the case may be, less or greater than required by these regulations, the setback for the new building shall be the same as for the majority of the buildings, or if there be no majority, the average of all setbacks previously established, provided that in no case shall such front setback be less than twenty-five (25) feet from the front lot line, and provided further that in the case of a shoreline, the provisions of Section 7.01 shall apply.

Lots that include shoreline shall be subject to the additional restrictions in Section 7.01.

Section 4.04 Application of Regulations.

Except as hereinafter provided:

A. No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered unless in conformity with the regulations herein specified for the districts in which it is located.

B. No building that is hereafter allowed for the district in which such building is located shall be erected or altered which will:

1. exceed the height or bulk;
2. accommodate or house a greater number of families
3. occupy a greater percentage of lot area; or

Effective Date: June 20, 2005; Amended by Resolution No. 206 of 2019

Section 7.01 Shoreline Regulations

B. Shoreline Dimensional Requirements.

1. All shoreline frontage distances shall be measured horizontally. Shoreline frontages are measured along the shoreline as it winds and turns at the shoreline.
2. Building setback restrictions are measured along the shortest line between any point of the structure and any point on the shoreline.
3. Sewage disposal system setbacks are measured along the shortest line between any point of the seepage pit, draining field or other leaching facility and any point on the shoreline.
4. The minimum shoreline setback applies to all principal buildings and accessory structures in excess of 100 sq. ft., other than docks and boathouses.

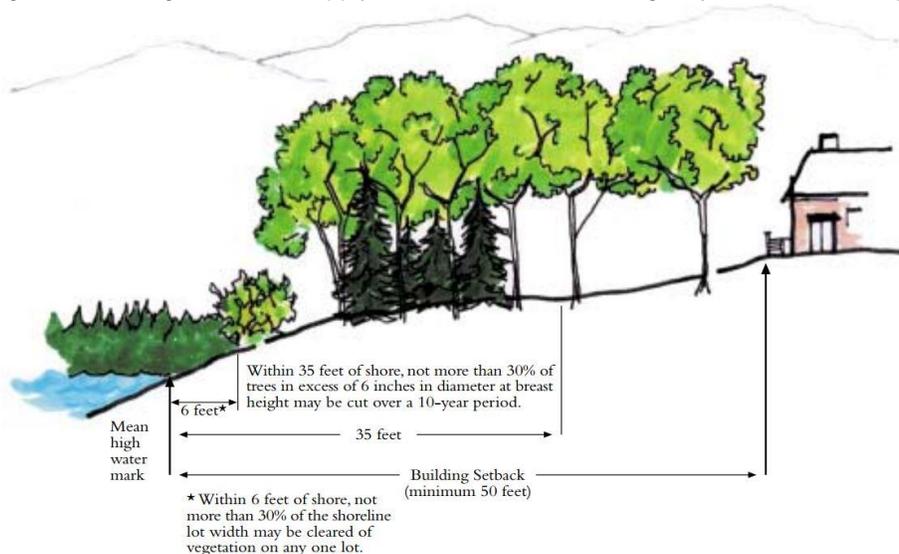
DIMENSIONS			
District	Minimum Setback	Minimum Lot Width	Minimum Setbacks if within ¼ Mile of Hudson/Schroon Rivers
Hamlet	50 feet	50 feet	50 feet
Moderate Intensity	50 feet	100 feet	150 feet*
Low Intensity	75 feet	125 feet	150 feet*
Rural Use	75 feet	150 feet	150 feet*
Resource Mgmt	100 feet	200 feet	150 feet*

*Recreational River Zone: An Adirondack Park Agency determination of jurisdiction is required prior to issuance of a Zoning permit.

C. Cutting Restrictions.

Cutting shall be permitted on shorefront lots provided the following standards are met:

1. Within 35 feet of the shoreline no vegetation may be removed, except that up to a maximum of 30 percent of the trees in excess of six inches diameter at breast height (DBH) existing at any time may be cut over any 10-year period.
2. Within six feet of the shoreline no vegetation may be removed, except up to a maximum of 30 percent of the shorefront may be cleared of vegetation on any individual lot. This provision shall be adhered to in addition to the general standards above.
3. The above cutting standards shall not be deemed to prevent the removal of diseased vegetation or of rotten or damaged trees or other vegetation that presents safety or health hazards.
4. Within a ¼ mile of the Hudson and Schroon Rivers, except within the Hamlet and Moderate Intensity District, special vegetative cutting restrictions apply. The Adirondack Park Agency shall determine jurisdiction.





FACT SHEET

Need for Licensed Design Professionals - Residential Onsite Wastewater Treatment Systems

Purpose: Provide guidance to regulatory officials and interested parties regarding the need for a licensed professional engineer or architect to design residential onsite wastewater treatment systems (OWTSs). The State Education Department has reviewed this document with the State Department of Health and offers the following as guidance in applying the requirements of the New York State Education Law relating to the design of OWTSs.

Licensed Design Professional: The Department of Health and the State Education Department recognize that, generally, OWTS design activities come within the definition of the practice of professional engineering or architecture under Article 145 or 147 of Title VIII of the New York State Education Law and that OWTS designs must be prepared by a design professional appropriately licensed or otherwise authorized under such law. Please be advised that licensees providing OWTS design services must be qualified to provide those services based upon education, training, and experience. Any licensee providing services that they are not qualified to provide may be subject to professional misconduct charges. OWTS design activities include the evaluation of surface and subsurface site conditions at a defined parcel of land, which may include the investigation of soil characteristics, the performance of soil percolation tests, the determination of subsurface boundary condition and depths, the measurement and recording of existing surface features both natural and manmade, and the subsequent application of these data and the data related to proposed wastewater generation to design an OWTS. These activities generally fall within the scope of practice of professional engineering or architecture.

New Residential Construction: The design of all new residential OWTSs (including conventional systems) shall be performed by an appropriately licensed design professional, as defined above. The design may also be issued/approved by county health departments where such issuance/approval is performed and authorized by an appropriately licensed design professional on staff. Private practice engineers and architects, and engineering and architectural firms with appropriately licensed design professionals may also provide such services.

Additions or Alterations: An OWTS evaluation shall be performed and submitted by a licensed design professional for home alterations resulting in an increase in the number of bedrooms, for complete home replacements (including those resulting in the same number of bedrooms) and for alterations resulting in significant increases in wastewater generation. The evaluation must document if the existing OWTS complies with applicable State and local design standards, if the OWTS and its components are in satisfactory condition and functioning properly and if the existing OWTS can properly treat the proposed increase in wastewater generation. If the existing OWTS does not comply with regulatory design standards or needs significant modification, the licensed design professional shall prepare plans and oversee the installation of the alterations to the OWTS. This may include incorporating appropriate mitigative measures and/or designs as such ordinarily come within the scope of practice of professional engineering.

Repairs and Replacements: The repair or replacement of OWTS components "in kind" or "like-for-like" may not require the involvement of a licensed design professional. However, repair or replacement of any

type of absorption field that involves relocating or extending an absorption area to a location not previously approved for such, does require a licensed design professional. A licensed design professional is required when repair or replacement involves installation of a new subsurface treatment system at the same location or the use of an alternative system (i.e., raised system, mounds, or sand filter) or innovative system design or technology.

Note: In all cases: 1) local government, watershed protection agencies or other jurisdictional agency rules and regulations may also apply; 2) All OWTS design plans must be prepared by a design professional licensed to practice in New York State; 3) When no regulatory agency is responsible for inspection of a constructed OWTS, it is recommended that a written certificate of compliance be submitted by a New York State licensed professional engineer or architect prior to occupancy.

For questions concerning this Fact Sheet:

Residential Sanitation Section
Bureau of Water Supply Protection
New York State Department of Health
(518) 402-7650 or FAX (518) 402-7659
E-mail: bpwsp@health.state.ny.us