

Summary of Municipal Wetland and Watercourse Protection Techniques

The following table is a summary of the techniques that can be used to protect wetlands.

Technique	Description
Local Wetland Law	A Local Wetland Law is a resource specific law designed to address the gap in wetland protection afforded by state and federal regulations by applying to wetlands smaller than 12.4 acres, additional buffer areas, or regulating a broader range of human activities.
Wetland Conservation Overlay District	An overlay district adds standards to the base use and area requirements of the underlying zoning. The distinction from a local wetlands law is its application only to a district as defined on the official zoning map; would not apply to all land use and building approvals in the municipality. An overlay district could also be used in a town with a wetlands law, to increase protections in certain watersheds (e.g., Town of New Castle)
Wetlands Buffer in Supplemental Zoning Standards	Supplemental regulations are part of the zoning law that applies standards to all lands as defined in the regulations.
Basic Zoning Tools	Wetland protection can be incorporated into zoning setbacks, subdivision regulations, and other basic zoning tools.

The following table summarizes how municipalities have applied the various local law techniques to regulate freshwater wetlands and buffer areas. All of the examples are more protective than existing state or federal regulations, but otherwise provide different levels of protection. The key differences are which wetlands and buffers they protect, and how they define the land uses or management activities that are subject to the regulations (i.e., applicability).

- Because all wetlands, regardless of size or location play a role in reducing flood risk, a local wetland law is the most comprehensive approach. It typically regulates more wetlands and more situations than the other local options shown in the table. For example, the Town of Pawling regulates dredging, filling, dumping, removing vegetation, or building in wetlands as small as ¼ acre with a 100-foot buffer.
- Overlay zones might be used where wetlands are geographically limited; the Village of Trumansburg regulates wetlands in its overlay district as small as two acres for projects that require site plan review. Or, overlay zones can be used to provide additional

protection to sensitive areas; the Town of New Castle regulates smaller wetlands and larger buffers in overlay districts covering drinking water watersheds than in its town-wide wetland and watercourse law.

- Supplemental zoning standards can be used simply to require buffer on federal wetlands (Town of Coxsackie) in larger projects before the planning board or to require a permit for a range of activities in wetlands of any size (Town of Woodstock). It is important to note that all of the techniques are flexible and exempt specific types of activities from regulation (e.g., agricultural operations, collecting firewood).

Local Wetland Protection Approach	Minimum Wetland Size	Size of Buffer or Regulated Area	Applicability	Technique
Town of Pawling (NY) Wetland and Watercourse Law ⁱ	1/4 acre	100 ft; for wetlands surrounded by steep slopes, the buffer shall extend 100 ft from the top of the slope	Comprehensive. See Section 111-4 of the law	Local Wetland Law
Town of New Paltz (NY) Wetlands and Watercourse Protection Law ⁱⁱ	1/10 acre and vernal pools 100 sq. ft. or larger	50 ft from edge of wetland for wetlands 1/10 acre to < 1 acre; 100 ft for wetlands > 1 acre; 100 ft for quality vernal pool	Comprehensive. See Section 139-8 of the law	Local Wetland Law
Town of Poughkeepsie (NY) Aquatic Resource Protection Law ⁱⁱⁱ	1/10 acre	25 ft for 1-5 acre, 50 ft for 5-9 acre, 75 for 9-12 acres, 100 for more than 12 acres	Comprehensive. See Section 116-5 of the law	Local Wetland Law
Town of Philipstown (NY) Freshwater Wetlands and Watercourses Law ^{iv}	¼ acre	land within 100 feet of the boundary of controlled wetland	Comprehensive. See Section 93-5 of the law	Local Wetland Law
Town of New Castle (NY) Wetlands Law ^v	1/10 acre	100 ft	Comprehensive. See Section 137-3 of the law	Local Wetland Law

Local Wetland Protection Approach	Minimum Wetland Size	Size of Buffer or Regulated Area	Applicability	Technique
Village of Trumansburg (NY) Wetland Conservation Overlay District ^{vi}	2 acres	none	Building projects that require site plan review, including 1- and 2-family buildings on a single lot	Wetland Overlay District
Town of New Castle (NY) Environmental Protection Overlay District ^{vii}	No minimum size	150 ft	Applies to certain drinking watersheds (i.e. Croton, Kensico, and Indian Brook Reservoirs)	Wetland Overlay District
Town of Coxsackie (NY) Natural Resource Protection Standards ^{viii}	federally regulated wetlands (as determined by the Army Corps of Engineers)	50 ft	All development activities except land alteration approved through subdivision or site plan review prior to effective date of law; or land alteration for development of single- or two-family residential lots in single lot ownership; or a minor subdivision	Supplemental Zoning Standards
Town of Woodstock (NY) Wetland and Watercourse Protection Standards ^{ix}	No minimum size; excludes stormwater detention basins and artificial ponds < 0.1 ac,	100 ft for wetlands > 0.1 acres, 50 ft for smaller wetlands	See Section 260-34C of the law	Supplemental Zoning Standards
Town of Ulysses (NY) Zoning Law ^x	Buffer areas apply to federally protected wetlands greater than one-tenth (0.1) acre	Varies from 0 - 100 ft based on zoning district	Depends on zone, primarily applies to structures or buildings	Simple Setbacks

The following table is a summary of the techniques that can be used to protect watercourses.

Technique	Description
Local Watercourse Law	A resource-specific law designed to address the gap in existing state or federal stream protection by regulating activities within unprotected watercourses and lands adjacent to all watercourses. This is usually the most comprehensive approach because it applies to more streams and is more than a setback.
Stream Overlay District	An overlay district that adds standards to the base use and area requirements of underlying zoning. The difference from a local watercourse law is its application only to the district as defined on the official zoning map, such as an area along a specific stream. Some municipalities use an overlay district to apply riparian buffer provisions (e.g. City of Newburgh and the Town of Walkill).
Stream-Related Supplemental Zoning Standards	Standards within zoning law that apply to all lands with certain natural resource constraints. They can be used simply to require buffers on watercourses (e.g., Town of Coxsackie) in larger projects being considered by the planning board or to require a permit for a range of activities in watercourse buffers (e.g., Town of Woodstock).
Simple Watercourse Setbacks	A standard setback of specified width from the centerline of any watercourse as defined in the zoning. Simple setbacks are typically only building setbacks that apply to certain projects before the planning board.

The following chart illustrates how municipalities have applied the various local law techniques to regulate watercourses and buffer areas. All of the illustrations are more protective than existing state or federal regulations; however, they each provide differing levels of protection. The key differences are in their applicability; i.e., which streams and buffers they protect, and how they define the land uses or management activities that are subject to the regulations. All of the techniques are flexible and exempt specific types of activities from regulation (e.g., agricultural operations or collecting firewood).

Local Watercourse Protection Approach	Regulated Watercourses	Regulated Buffer	Applicability	Technique
Town of Pawling (NY) Wetland and Watercourse Law ^{xi}	Any natural or artificial, permanent or intermittent, public or private waterbody or water segment, such as ponds, lakes, reservoirs, rivers, streams, brooks, waterways or natural drainage swales.	100 ft as measured from the top of the bank of the watercourse	A permit is required for all activities identified in Section 111-4 of the law.	Local Watercourse Law
Town of New Paltz (NY), Wetlands and Watercourse Protection Law ^{xii}	Any natural, permanent, seasonal, or intermittent channel or water segment, rivers, streams, brooks, naturally occurring impoundments within such channels or other waterways that are contained within, flow through, or border on the town. Artificial water segments, such as swales and ditching, are excluded.	200 ft buffer for Wallkill River 100 ft buffer for perennial watercourse 50 ft buffer for intermittent watercourse	A permit is required for all activities identified in Section 139-8 of the law.	Local Watercourse Law
Town of Poughkeepsie (NY), Aquatic Resource Protection Law ^{xiii}	Any watercourse which appears as a solid blue line on the 2003 Aquatic Resources Map of the Town.	50 ft buffer for Wappinger Creek 25 ft for all other watercourses	A permit is required for all activities identified in Section 116-5 of the law.	Local Watercourse Law
Town of Philipstown (NY), Freshwater Wetlands and Watercourses Law ^{xiv}	Perennial and intermittent watercourses that are delineated on USGS topographic maps; and any other streams, brooks and waterways which are contained within, flow through, or border on the town, and any additional streams, brooks and waterways which are delineated on the map as defined as a watercourse in this § 93-4.	100 ft from the mean high-water mark, measured horizontally	A permit is required for all regulated activities listed in Section 93-5 of the law.	Local Watercourse Law
Town of New Castle (NY), Wetlands Law ^{xv}	Any natural or artificial, permanent or intermittent, public or private surface water body or surface water segment, such as ponds, lakes, reservoirs, rivers, streams, brooks or waterways	100 ft	A permit is required for all activities identified in Section 137-3 of the law.	Local Watercourse Law
Model Stream Overlay District for the Moodna Creek Watershed Intermunicipal Council (NY) ^{xvi}	The full length and width, including the bed and banks, of any watercourse that has a channel which periodically or continuously contains moving water. Excludes constructed drainage-ways, except modified natural streams.	Four options: 2 are fixed width (100 and 200 ft), the others options expand fixed width with floodplains, wetlands, and steep slopes; different activities are regulated in the primary and secondary buffers	To be defined by the municipality: apply to all proposed actions requiring [defined] approval	"Stream" Overlay District

City of Newburgh (NY), Waterbody Protection Overlay District	The overlay district consists of lands within 100 feet of 9 identified waterbodies, including the Quassaick Creek and Hudson River, as well as several lakes and ponds.	100 ft for principal structures 50 ft for accessory structures larger than 200 sq ft	Site plan review is required to clear, fill, dredge, excavate, deposit materials, and for all construction activities	Stream Overlay District
Town of Walkill (NY), Shawangunk Kill Corridor Preservation Overlay District (NY) ^{xvii}	The Shawangunk Kill Corridor, as described on the Town's Zoning Map.	Industrial uses: 250 ft Commercial uses: 200 ft Residential uses: varies from 65-100 ft based on floodplain width	All uses are prohibited except those exempted in Section 249-105. Special permits for water dependent uses in Section 249-107.	Stream Overlay District
Town of Coxsackie (NY), Natural Resource Protection Standards ^{xviii}	Any natural or artificial, intermittent, seasonal or permanent, and public or private water body or water segment. A watercourse includes rivulets, brooks, creeks, streams, rivers and other waterways flowing in a definite channel with bed and banks and usually in a particular direction.	150 ft for Hudson River 100 ft for perennial streams (solid blue line on USGS map) 50 ft for intermittent streams (broken blue-line on USGS map) 25 ft all other watercourses	Exempts development improvements to single-family or two-family residential lots in single lot ownership; or a minor subdivision.	Supplemental Zoning Standards
Town of Woodstock (NY), Wetland and Watercourse Protection Standards ^{xix}	Perennial and intermittent, natural and artificial, having a defined channel. Drainage ditches/swales/stormwater conveyances may be regulated if they drain to a natural wetland or waterbody.	30 to 100 ft depending on the upstream drainage area and the slope of the land, according to "Applicable Watercourse Buffer" map (with default of 30 ft in all other cases)	A permit is required for all activities listed in Section 260-34C	Supplemental Zoning Standards
Town of Ulysses (NY) Zoning Law ^{xx}	Watercourses that carry water for at least 6 months of the year	Residential areas: 50 ft Intermittent streams: 50 ft Perennial streams in areas of more intense use: 100 ft May be increased by up to 50%, should the Planning Board find it necessary to minimize impacts	Projects that require building permits or planning board approval	Simple Setbacks

RESOURCES

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ⁱ Town of Pawling (NY) Wetland and Watercourse Law (1993) <http://ecode360.com/6968447>

ⁱⁱ Town of New Paltz (NY) Wetlands and Watercourse Protection Law (2011) <http://ecode360.com/9168154>

ⁱⁱⁱ Town of Poughkeepsie (NY) Aquatic Resource Protection Law (2003) <http://ecode360.com/6321213>

^{iv} Town of Philipstown (NY) Freshwater Wetlands and Watercourses Law (1991) <http://ecode360.com/6317362>

^v Town of New Castle (NY) Wetlands Law (1990) <http://ecode360.com/11774386>

^{vi} <http://www.trumansburg-ny.gov/docs/2012ZoningOrdinance.pdf>

^{vii} Town of New Castle (NY) Environmental Protection Overlay District (2002) <http://ecode360.com/11759229>

^{viii} Town of Coxsackie Natural Resource Protection Standards, <http://ecode360.com/13876388>

^{ix} Town of Woodstock (NY) Wetland and Watercourse Protection Standards (2011)

<http://ecode360.com/109422>

^x http://www.ulysses.ny.us/pdf/Zoning_Law_Revision_ADOPTED_12-17-13.pdf

^{xi} Town of Pawling (NY) Wetland and Watercourse Law (1993) <http://ecode360.com/6968447>

^{xii} Town of New Paltz, NY Wetlands and Watercourse Protection Law (2011)

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^{xiii} Town of Poughkeepsie Aquatic Resource Protection Law (2003) <http://ecode360.com/6321213>

^{xiv} Town of Philipstown, NY Freshwater Wetlands and Watercourses Law (1991)

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^{xv} Town of New Castle, NY Wetlands Law (1990) <http://ecode360.com/11774386>

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http://waterauthority.orangecountygov.com/PROJECTS/MOODNA_CREEK_WATERSHED/Model%20Local%20Law%20Stream%20Corridor%20Mgmt.pdf

^{xvii} Shawangunk Kill Corridor Preservation Overlay District (2015) <http://ecode360.com/30555215>

^{xviii} Town of Coxsackie, NY Natural Resource Protection Standards (Watercourse excerpt)

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^{xix} Town of Woodstock, NY Wetland and Watercourse Protection Standards (2011)

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^{xx} http://www.ulysses.ny.us/pdf/Zoning_Law_Revision_ADOPTED_12-17-13.pdf

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