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NY Rising Housing Program

Guidance for Freshwater Wetland Adjacent Areas

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NY Rising Housing Program (applies to all Programs)

Land usage within designated Freshwater Wetland areas and the Freshwater Wetland Adjacent area is regulated by the New York State Department of Environmental Conservation (DEC). Certain activities in these areas require a permit from the DEC, while certain activities do not. The DEC regulates activities in freshwater wetlands and their adjacent areas to prevent, or at least to minimize, impairment of wetland functions. Almost any activity which may impact the natural values of the wetlands or their adjacent areas is regulated. DEC provides guidance on which land uses and actions require a permit from the DEC. This guidance is available at <http://www.dec.ny.gov/permits/6279.html>.

Freshwater Wetland Adjacent areas consist of the regulated adjacent area extending 100 feet from the wetland boundary. Some activities, such as those that do not involve any ground disturbance, do not require permits in the adjacent areas. All other activities require a permit from the DEC. The time allotted for agency review, the procedures, and public notice requirements vary according to whether the project is considered major or minor. The following are some examples of activities and their permit requirements:

Permit NOT Required:

- Continuance of lawfully existing land uses
- Installation of utility service to an individual residence in a wetland adjacent area
- Ordinary maintenance and repair of existing functional structures, including all interior changes to the structure and exterior changes such as replacing windows, doors, roofing and siding

Permit Required:

- Restoration, reconstruction, or modification of an existing structure which involve the temporary disturbance of less than 50 square meters in a wetland adjacent area
- Building a deck adjoining an existing dwelling in a wetland adjacent area
- Construction of a driveway to an existing residence in a wetland adjacent area
- New construction of a residence in a wetland adjacent area
- Expansion of or substantial modification of existing structures in a wetland adjacent area

To learn more about the permit application process, please visit: <http://www.dec.ny.gov/permits/6275.html>.

For more information or for answers to questions concerning this area, please contact the appropriate DEC Regional Office by visiting here: <http://www.dec.ny.gov/about/558.html>.