

**ROCKLAND COUNTY STREAM CONTROL ACT
PERMIT APPLICATION**

Property Owner: _____ Phone No.: _____ e-mail: _____

Address: _____

Applicant: _____ Phone No.: _____ e-mail: _____
(If different than Property Owner)

Address: _____

Authorized Representative: _____ Phone No.: _____ e-mail: _____
(If different than Property Owner)

Address: _____

Name of Project: _____ Property Tax ID: _____
(Section, Block & Lot)

Name of Stream: _____ Town/Village: _____

Engineer/Architect: _____ Phone No.: _____ e-mail: _____

Address: _____

Project Location: _____

Description of work proposed (continue on separate sheet(s) if necessary): _____

Any permit issued shall be pursuant to the Rockland County Stream Control Act, Chapter 846, Laws of 1975, and subject to Rules and Regulations issued by the Rockland County Drainage Agency, and to any and all conditions listed hereon or attached hereto and/or on the drawing(s) which shall be considered a part hereof. The property owner, applicant and/or authorized representative agrees to comply with all the rules, regulations and conditions established by the Rockland County Drainage Agency, as well as all laws, ordinances and resolutions relating to said work.

NO LAND DISTURBANCE WITHIN THE JURISDICTIONAL AREA OF A COUNTY REGULATED STREAM WILL BE PERMITTED WITHOUT A PERMIT FROM THE ROCKLAND COUNTY DRAINAGE AGENCY.

Three (3) sets of drawings including a key map and supporting calculations shall accompany this permit application. Drawing(s) and calculations/analyses shall be prepared by a NYS licensed professional engineer or NYS licensed architect. Drawings shall show the 100-year floodplain and wetlands at the site and adjacent to the site. Permit application fee is \$25, payable to the Rockland County Commissioner of Finance.

This application consists of seven (7) pages. The undersigned applicant has read and reviewed the attached rules and regulations, which are considered and made a part of this, permit application.

Signature of Property Owner Title

Print Name Date

(CORPORATE SEAL)

Signature of Applicant (if different) Title

Print Name Date

Rockland County Drainage Agency

THE FOLLOWING IS PROVIDED AS GUIDANCE TO APPLICANTS FOR PERMITS FOR THE PERFORMANCE OF ANY CONSTRUCTION WORK, MAINTENANCE OF ANY STRUCTURE, MAINTENANCE OF ANY CHANNEL OBSTRUCTION, OR PLACING OF ANY FILLS WITHIN STREAM CHANNEL LINES, OR WITHIN 100 FEET FROM SUCH LINES AS DEFINED BY THE ROCKLAND COUNTY DRAINAGE AGENCY, OR FOR CHANGING THE LOCATION, CROSS SECTION, COURSE OR CURRENT OF ANY STREAM WHICH IS SHOWN ON THE OFFICIAL MAP OF ROCKLAND COUNTY.

AUTHORITY

Under authority of chapter 846 of the laws of 1975, which added the Rockland County Stream Control Law, the Rockland County Drainage Agency, acting by its chairman, requires all persons, organizations, associations and corporations (including Municipalities), desiring to construct or to alter any abutment, bridge, building, conduit, culvert, dam, dump, embankment, fill, pipe crossing, wall, wing-wall, wharf, or similar or analogous structure, or any other object that would impede the free flow of water in any stream or to change the location, cross-section, course or current of any Official County Stream within the county, to submit to him an application for a permit, together with plans for each structure or stream change. A copy of the above mentioned law is attached hereto.

The authority of the chairman extends to the construction and maintenance of structures within channel lines or within a distance of 100 feet therefrom.

Whenever the term Chairman is used in this document, it is intended to mean the Rockland County Drainage Agency acting by its chairman.

The primary purpose of the authority exercised by the chairman over channel obstruction of an Official County Streams the alleviation of flood damage to public and private property and the prevention of danger to the public from waters impounded or affected by structures placed in, on, or along the Official County Streams.

PROCEDURE

The probable magnitude of flood flows to be expected on the Official County Streams is on file and available for public use in the office of the Rockland County Drainage Agency. Any application for a permit will be evaluated on the basis of this information to ensure the health and safety of County residence. Any deviation from these expected flows must be supported by adequate engineering studies.

Prior to the filing of the application for a permit, engineers on the Drainage Agency staff are available for consultation and for rendering assistance in determining the magnitude of flow for which the structure should be designed.

The chairman will upon receipt, refer applications for a permit, including all plans and all pertinent data, to his engineers for examination and report.

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Application for a permit must be made in writing, in triplicate, on a form adopted by the chairman. The individual owner, or his agent, or a member of a partnership, must sign the application. If the project is to be undertaken by a corporation, the application must be signed by an officer and, if undertaken by a municipal corporation, the application must be signed by the chief executive officer or his agent. Notice of such application shall be published by the applicant in a paper having general circulation in the county within five days of filing the application with the chairman unless this requirement is waived by the Chairman

The application shall be in triplicate and include such supporting papers and plans as will clearly describe the nature and extend of the work, its starting date and expected completion date. Data in the supporting papers should include, but not be limited to, information as to width of existing stream, elevation of existing streambed and adjacent banks, slope of stream and elevation of water at ordinary flow, ordinary high flow, and at extreme high flow, and an environmental impact statement containing information on the effect of the proposal on the natural resources, including soil, forests, water, fish, and aquatic resources provided, however, the chairman may in his discretion, waiving the same having due regard for the circumstances of each application. The supporting papers should also illustrate and describe the design of the project. The latter need not be final design plans, but before the permit is granted, final design plans will be required and will be endorsed to show they are part of the permit.

The plans shall be drawn to scale and signed by a Professional Engineer or Registered Architect licensed in the State of New York. The approved plans will be considered a part of the application. The plans must show complete physical data; the general location of the property, the size and the location of all structures, final contours, grades, underground utilities, water connections, sanitary sewers and storm drainage systems, parking layouts, etc. The application and permit forms are included herewith and are also available at the office of the Rockland County Drainage Agency.

An inspection of the site of the proposed work may be made in company with the applicant or his agent, when desirable. After complete study, any deficiencies found in the plans will be called to the attention of the applicant, in order that proper revisions may be made.

After the examination by the engineers, the application and plans are presented to the Chairman for his consideration. When the application and plans have been approved by the Chairman, the permit will be forwarded to the applicant with an acceptance form which is to be executed by the applicant and returned to the Chairman before starting any construction. The application and the on set of approved plans will be returned to the applicant. Additional sets of plans may be asked of the applicant so that, as approved, the Chairman can forward them to local municipalities, where requested.

Examination of the plans for construction or alteration of structures applies only to the hydraulic features and their probable influence on stream flows. No analysis is made of the strength and durability of the structure.

The chairman reserves the right to waive a public hearing on an application for a permit if, in his judgment, such a hearing is not in the public interest.

The chairman reserves the right to waive the requirement that plans be prepared by a Professional Engineer or Registered Architect if the Chairman determines that the proposal is of minor scope.

INSURANCE AND BONDS

1. Before any work authorized under permit is started, the Permittee or his duly authorized agent or representative must first file with the Chairman, satisfactory evidence that the person, firm, or corporation intending to perform the work is covered by public liability insurance in the amounts of \$500,000 to \$1,000,000 and \$100,000 for Property Damage and that under this coverage, or by separate policies in the above amounts, the County of Rockland Drainage Agency and/or the County of Rockland Legislature and/or the Chairman of the Rockland County Drainage Agency, are named among the insured and fully indemnified.

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2. Before the start of any work authorized under this permit, the Permittee shall deposit with the Chairman, an acceptable performance bond or other surety in such amount as may be required by the Chairman as guarantee of the proper performance of all work affecting a County Stream.
3. Upon completion of the work to the satisfaction of the Chairman, the performance bond required in two (2) above will be released provided that an acceptable maintenance bond or other surety, in an amount equal to at least 20% of the performance bond, be deposited with the Chairman, guaranteeing that, for a period of one year after, the Permittee will, at his own expense, repair and make good any defects or damage in the work which may develop during this period as a result of faulty construction are as a result of other construction by the Permittee.
4. In case of a subdivision where bonds similar to those listed in (2) and (3) above are required by the Town, the amounts required to cover the work affecting the County Stream may, with the consent of the Town, be included in the bond deposited with the Town, provided that the bond clearly indicates that the interest of the County in this respect are covered and provided that the bond not be released by the town without the consent of the Chairman.

The provisions for insurance and bonding may be waived by the Chairman when the work to be performed is considered by the Chairman to be of minor scope.

REGULATIONS PERTAINING TO PERMITS FOR CONSTRUCTION OR ALTERATION OF CHANNEL OBSTRUCTIONS OR STRUCTURES AND FOR STREAM CHANGES

The Chairman of the Rockland County Drainage Agency, pursuant to Chapter 846 of the Laws of 1975. Which added Rockland County Stream Control Law, and subject to the approval thereof by the Legislature of Rockland County, hereby prescribes the following regulations governing (a) the construction and maintenance of any channel obstruction, including any channel filling or channel change, (b) the construction and maintenance of any structure hereafter erected and maintenance of any structure hereafter existing within a distance of one hundred feet from any channel line established pursuant to the provisions of said Chapter, (c) the issuance of permits for the above channel obstructions, and (d) the issuing of notice and stop orders with respect to violations.

SECTION 1. No person, corporation, joint-stock association or municipality shall construct any channel obstruction or make any change therein or addition thereto, or make any change in any existing channel obstruction, or in any manner change the location or cross-section of any stream or water course for which channel lines have been established, or change the course or current of any stream within the channel lines established therefore, without first obtaining a written permit for such work from the Chairman of the Drainage Agency. Failure to obtain a permit when required shall constitute a violation of the provisions of the Rockland County Stream Control Law.

SECTION 2. Application for a permit must be made in writing, in triplicate, on a form adopted by the Chairman. The individual owner, or his agent, or a member of a partnership should sign the application. If the project is to be undertaken by a corporation, the application should be signed by an executive officer, and if undertaken by a municipal unit, the application should be signed by the executive officer or his agent.

SECTION 3. The application should be complete and include in triplicate, such supporting papers and plans as will clearly describe the nature and extent of the work, its starting date, and the expected completion date, Data in the supporting papers should include, but not be limited to, information as to width of existing stream, elevation of existing stream bed and adjacent banks, slope of stream, and the elevation of the floodplain as described in the study on file in the office of the Drainage Agency. At least one cross-section showing proposed changes superimposed on existing condition is required. The supporting papers should also illustrate and describe the design of the project. The latter need not be final design plans, but before the permit is granted, final design plans will be required for examination.

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SECTION 4. The Chairman of the Drainage Agency will order a public hearing on an application for a permit unless, in his judgement, such hearing is not desirable and not in the public interest, in which case he will waive the requirement for a public hearing. Where a public hearing is required, the applicant shall bear all costs of holding said hearing.

SECTION 5. All permits issued shall contain among other matters, the following defined terms, agreements, covenants and conditions:

1. The term "Chairman" shall mean the Rockland County Drainage Agency of the County of Rockland, acting by the Chairman or his authorized representative.
2. The term "Permittee" shall mean the applicant obtaining the permit, or his duly authorized agents or representatives.
3. Any reference to channel obstruction or structure shall mean either channel obstruction or structure, or both.
4. The Permittee assumes all risks in the operations covered by the permit and shall be solely responsible and answerable in damages for all accidents or injuries to person or property.
5. The Permittee shall indemnify and save the County of Rockland and the Chairman of the Drainage Agency from any and all claims, suits, losses, damage to property or injury to person or whatsoever kind and nature, whether direct or indirect, arising out of the Permittee's operations under the permit, and the Permittee agrees to reimburse the County of Rockland and the Chairman of the Drainage Agency for all expenses, costs, or judgments to which they may be put arising from such operation.
6. No changes in the plans or in the nature and extent of the work shall be made without the Chairman's written consent. The project shall be subject at all times to inspection by the Chairman or his duly appointed representatives.
7. The Permittee agrees that during the performance of the work, the Permittee will not cause or allow in any way or manner, any unreasonable interference with the free discharge of the stream, and the Permittee will not place, store, or dump any materials, equipment, or debris in or about the stream or channel in any way which may cause interference with the free flow of water.
8. The Permittee, upon completion of the work, shall cause to be removed from within the channel lines and within 100 feet therefrom, all equipment, surplus materials, debris, and structures not shown on the approved plans.
9. Within 30 days after completion, the Permittee shall certify that the work has been completed in accordance with the permit and the approved plans and that all channel obstructions have been removed except those approved by the permit.
10. Final inspection of all work authorized by the permit will be made by the Chairman to determine that work has been performed in compliance with the permit.
11. Completed work shall be diligently maintained to prevent any danger of obstruction of the stream, water course, easement, or right-of-way bounded by channel lines by reason of erosion or the collapse or other impairment of the completed work.
12. The Permittee shall be in addition to any other permits and to all other regulations applying to the construction of buildings and other structures. Every building permit or certificate of occupancy issued by any municipality shall be subject to the limitations and requirements imposed by our pursuant to the Rockland County Stream Control Law, with respect to any work covered by such permit or certificate.
13. The Chairman reserves the right to revoke or cancel the permit at any time should the Permittee fail to comply with any terms, agreements, covenants and conditions of the permit.
14. The permit does not give any property rights, either in real property or material, or any exclusive privileges. It does not authorize any injury to public or private property, any invasion of property rights, any occupation of riparian or County property, or any infringement of State, Local Laws, Or regulations. Local and State permits and consents must be obtained when necessary.
15. The work shall be under the direction of a licensed professional engineer or licensed architect until completion unless this requirement is waived by the Chairman in writing.

The work must be completed on or before the stated completion date.

SECTION 6. No work may be done under the permit unless and until the Permittee files with the Chairman written acceptance of the terms and conditions of the permit within 30 days after notice of approval of the application by the Chairman.

SECTION 7. Whenever, in the opinion of the Chairman, the Permittee has failed to comply with any of the terms, agreements, covenants, and conditions of the permit, the Chairman may send a written notice by regular mail to the Permittee at his last

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known address, notifying the Permittee that, unless proper cause is shown within five days of the date of the notice, the Chairman will revoke and cancel the permit and that thereafter the Permittee shall be in violation of these regulations and subject to the penalties set forth in the Rockland County Stream Control Law.

SECTION 8. Any channel obstruction shall be maintained by the person, partnership, corporation, joint-stock association or municipality owning the whole or part of the are upon which the channel obstruction exists in such a manner that the extent to which the same may impede the flow of water is not increased by the failure to maintain the channel obstruction properly. The failure to properly maintain any channel obstruction as determined by the Chairman after investigation and inquiry, shall be a violation of these regulations.

SECTION 9. Any necessary minor repairs by a person, partnership, corporation, joint-stock association or municipality to a channel obstruction without a permit must not increase the extent to which the channel obstruction may impede the flow. If, after investigation and inquiry, the Chairman determines that the repairs undertaken are such that they increase the extent of obstruction of channel flow and that the person, partnership, corporation, joint-stock association or municipality responsible for the repairs is in violation of these regulations and the Rockland County Stream Control Law, the Chairman may issue an order to such person, partnership, corporation, joint-stock association or municipality directing the said owner to desist forthwith from the continuance of such repairs and to proceed forthwith to eliminate the increase of the extent of such obstruction. Failure to comply immediately with requirements of the Chairman expressed in said order, shall constitute a violation of these regulations as of the date of the order and shall be subject to penalties provided in the Rockland County Stream Control law.

SECTION 10. The construction and maintenance Of any structure hereafter erected and maintenance of any structure heretofore existing, within a distance of 100 feet from any channel line established pursuant to the provision of this act, by the person partnership, corporation, joint-stock association or municipality responsible for such construction and maintenance by reason of ownership or otherwise, shall be performed in such manner so as to prevent any danger of obstruction of the stream, watercourse, easement, or right-of-way bounded by such channel lines by reason of erosion or the collapse or other impairment of any structure. Whenever, after investigation and inquiry, the Chairman determines that the person, partnership, corporation, joint-stock association or municipality responsible, by reason of ownership or otherwise, for the construction and maintenance of any then existing structure within a distance of 100 feet from any channel line established pursuant to the provisions of this act, has failed to maintain such structure so that as a result of such failure there is imminent danger of obstruction of the stream, watercourse, easement or right-of-way bounded by such channel lines by reason of erosion or the collapse or other impairment of any such structure, the Chairman shall issue an order to such person, partnership, corporation, joint-stock association, or municipality so responsible directing said owner forthwith to undertake such maintenance that will prevent such danger. Failure to comply immediately with the requirements of the Chairman as expressed in said order shall constitute a violation of these regulations as of the date of the order and shall be subject to the penalties provided in the law.

SECTION 11. Whenever, after investigation and inquiry, the Chairman determines that the person owning or otherwise responsible for the maintenance of channel obstruction or other structure has failed to maintain these structures as provided, the Chairman shall cause a notice of violation to be served upon such person. Failure by said person or municipality to comply with the requirements expressed in said notice shall constitute a violation of this act. Such notice shall be served personally or by registered or certified mail at his or its last known address. Such notice may contain a direction to such person or municipality to desist forthwith from any construction, improper maintenance, or unlawful repairs or from any conduct that is in violation of these regulations of this act, and that in default thereof the Chairman will apply for an injunction under the Rockland County Stream Control Law.

SECTION 12. Forty-eight hours notice to the Chairman will be required before the start of any work to be done under this permit and forty-eight hours notice will be required after any lapse of more than 30 days in the work before restarting, so that the work may be properly inspected by a representative of the Drainage Agency. The Permittee will also notify the Chairman of any planned interruption or suspension of operations.

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SECTION 13. The Permittee will be held responsible for informing all contractors, sub-contractors and others engaged in the work of all terms and conditions of the permit, including all plans. Ignorance of the conditions will not be considered a reason for allowing any deviation from the permit requirements.

SECTION 14. The permit will not be transferred or assigned.

SECTION 15. Applicant shall submit with the application a non-refundable fee of \$25, payable to the Commissioner of Finance of Rockland County.