



COMMERCIAL APPLICATION PROCEDURE

Sewer

This procedure and accompanying Application Form are meant to provide a simplified overview of the process for applying for water and sewer in the Town of Fishkill (TOF). This does not substitute for the detailed requirements found in the Town of Fishkill Town Code.

Contents

For the Applicant.....	2
New Construction:	2
Existing Structure:	2
For the Town of Fishkill.....	4
For In-District Users:	4
For Out-of-District User That Will Remain Out-of- District:.....	4
For Out-of- District Users That Will Become Part of a District:	4
Town of Fishkill Water/Sewer Application Procedure.....	7
Appendix A	7
Appendix B	9
Appendix C	10
Sewer and Water District Establishment Checklist via Alternate Procedure (Article 12-A Town Law)..	10
Sewer and Water District Establishment Checklist via Petition Method (Article 12 Town Law).....	12

For the Applicant

1. Complete front of form.
2. Be sure to include the service address **as well as** the property owner's address.
3. Enter the Parcel Identification number. This can be found on tax bills or can be obtained from the Town of Fishkill Water Department, if needed.
4. Provide a brief description of their intended use of the property or any extra insights that may assist the Town in understanding the applicant's intentions, limitations, etc.. (Attach an additional sheet if needed.)
5. Identify if your intended use is allowed in the current Town Zoning Law. If the intended use is not allowed, you must first petition the Town Board for a change in zoning. (Contact Building Department for Zone information) If you request a change in zoning, understand that:
 - a. You must identify the present zone and desired future zone. (This application is not an official request for a zoning change. Consult Town Code for Zone change process. Zone change is a Town Board function.)
 - b. There is no guarantee that the Board will consider such a request.
 - c. If the Town Board does consider such a request, you will be required to pay certain fees.
6. Applicant identifies where the bills are to be sent.
7. Applicant identifies which Sewer District they are applying to. (Contact Water/Sewer Department for guidance.)
8. Applicant identifies if the property is presently located in the Town of Fishkill and (with the assistance of the Town of Fishkill Water/Sewer Department) if it is within an existing Sewer District, or is out of District.
 - a. The Applicant may be required to petition the Town Board for District expansion. (see attached Appendix C outlining District Expansion process)
 - b. The Applicant (with the assistance of their Engineer) may be required to submit a Map, Plan & Report to Town Clerk to petition for the district expansion and a "Buy-in Fee" may be required for properties currently outside district boundaries.
9. Applicant identifies (with their Engineer's assistance), a preliminary requested average daily sewer capacity flow in Gallons per day
10. Applicant identifies (with their Engineer's assistance), if this property will require grease traps.
11. Applicant identifies if the service request is for: New Construction or to an Existing or Modified Structure.
(For existing structure, skip to the next section)

New Construction:

- All necessary permits for the opening of the Town, county, state and village streets or highways shall be obtained from the State, County, Town or Village Highway Department, as the case may be.
- If a Sewer Main requires extension, the Applicant must obtain Dutchess County Department of Health approval & copy Town of Fishkill Water Department on their request.
- Applicant must submit plans to Town Engineer for review. Plans shall include diameter, material type, length, and location of proposed service line(s). Plan may be requested by Town Engineer to be revised and if so, applicant will be contacted by TOF through the site plan process.

Existing Structure:

- a) Call the Town Water Department to schedule a final water meter reading prior to closing (required by the town and by the seller's attorney, fees apply)
*** Water Department may add notes to form, such as: date applicant requested approval by Dept. of Health, etc.**

- b) Identify if the property will use a Town authorized water meter to determine sewer usage for billing purposes.
- c) Owner or Owner's agent print, sign and date the application
- d) Deliver completed application to Fishkill Town Hall via hand, or US Mail (see address on form), or scan the signed document and e-mail to stetro@fishkill-ny.gov at the Water/Sewer Department.

For the Town of Fishkill

12. The Town Water/Sewer Department routes the Application for review to the Town Planning Department and Building Department.
 - The Building Department identifies by check mark on the form, if their approval is needed for: new construction, existing structures and for structural modifications
 - The Planning Department identifies by check mark on the form, that their approval is needed only for the site plan for new construction
 - The Water / Sewer Department identifies by check mark on the form, if the Town Board approval is needed for existing structures
13. Fee requirements:
 - Building Department identifies by check mark on the form, if following fees are required: escrow, building permit, inspection,
 - Water/Sewer Department identifies by check mark on the form, if following fees are required: Buy-In, district expansion, road opening

****Applicant must pay all applicable fees in advance, prior to receiving service.***
14. Town Water/Sewer Department routes the Application for review and comment to the Water/ Sewer system operator. Relevant issues the customer will need to become aware of, will be added to the form. Water/Sewer Department notifies the Applicant of any items identified by the Water/Sewer system operator.
15. Application form is routed to the TOF Comptroller's Office where the following information is added to the form:

For In-District Users:

- Present annual usage rate, typically billed as \$/cubic-ft. Minimum usage charges may apply.
- NOTE: 1 cu-ft water = 7.48 gallons

For Out-of-District User That Will Remain Out-of- District:

- Present annual usage rate, typically billed as \$/cubic-ft. Minimum usage charges may apply
- One time Buy-in Fee to establish capital infrastructure parity with existing long term customers
- Annually adjusted Capital Debt Reduction Fee, to pay down their share of existing District debt.

For Out-of- District Users That Will Become Part of a District:

- Approximated cost for preparing a Map, Plan and Report that includes the Applicant's property within the newly defined, newly expanded district boundary. (this cost estimate may need to be obtained from the applicant's engineer)
- Present annual usage rate, typically billed as \$/cubic-ft. Minimum usage charges may apply
- One time Buy-in Fee to establish capital infrastructure parity with existing long term customers

- Approximated Annual tax levy, to pay down the applicant's share of existing District debt.
16. Town Water/Sewer Department sends copy of form to Town Engineer for comments and notifies applicant.
 17. Permission to connect sewer is required by multiple individuals or departments. Collection of fees may be associated with their approval. Acceptance of the application and their specific permission to proceed is identified by their signatures on the Application, including date and fees received and associated check number recorded on the application. Authorization is acknowledged by the following:
 - Water System Operator
 - Water / Sewer Department
 - Town Board
 - Building/Planning/Zoning Department

***Where authorization is NOT applicable, the Water/Sewer Department will indicate N/A.**
 18. When the sewer line is connected and inspected (by either the Building Department or the Water System Operator), the Building inspector will notify the Water Department.
 19. When the installation is complete (for new construction only), the Building Department will indicate a final as-built drawing has been received by checking the box on the form.
 - ◇ The owner's engineer shall provide the Town with a revised set of permanent reproducible drawings showing the as-built location, sizes and elevations of sewers, manholes, building sewers, building sewer terminations and easements, together with such legal descriptions as are required for proper recording of such easements.
 20. The following Final as-built information will be recorded on the form by the Water/Sewer system operator:
 - ◇ Line size (diameter)
 - ◇ Line length (ft)
 - ◇ Pipe material
 - ◇ Date of installation
 21. The Town Water/Sewer Department will record the following information on the form:
 - ◇ Date Account was created
 - ◇ Account number
 - ◇ The associated water meter serial number
 - ◇ Meter installation date
 22. The Town Water / Sewer Department will record when the data was entered into the database (MUNIS or other appropriate database) and by whom.
 23. Town Water / Sewer Department will record on the bottom front of the form, in the "Office Use Only" section: the following information:
 - ◇ Customer Account Number
 - ◇ # of Units connected to sewer (note: multiple residence units or office units may exist in one building served by one metered water supply).
 - ◇ A "Unit" refers to a house, condo, apartment, office, etc., not to be confused with a Benefit "Unit" used in assessment calculations.
 - ◇ # of Meters determining water usage
 - ◇ District / Billing Code
 - ◇ Check if New Account
 - ◇ Check if Change of Owner
 - ◇ The final sewer demand capacity approved by the Town Engineer in Gallons per day
 24. Service for a new account will not be activated until:
 - ◇ completed application is submitted and signed
 - ◇ customer's service line and meter installation have been inspected and approved
 - ◇ all charges of outstanding balances are accepted and paid
 - ◇ all violations are addressed

***Town Water / Sewer Department will check-off each of these requirements on the bottom front of the form, if completed, prior to activating the account.**

Town Hall Address:

807 Route 52

Fishkill, NY 12524

Town Hall Phone:

845-831-7800

ADDITIONAL INFORMATION IS PROVIDED IN THE ATTACHED APPENDICIES TO HELP THE APPLICANT UNDERSTAND THE PROCESS FOR OBTAINING WATER

APPENDIX A - SUPPLEMENTAL PROCESS INFORMATION

APPENCIX B - PLANNING PROCESS

APPENDIX C - SEWER AND WATER DISTRICT ESTABLISHMENT CHECKLIST (ARTICLE 12 AND 12-A TOWN LAW)

Town of Fishkill Water/Sewer Application Procedure

Appendix A

Supplemental Process Information

This procedure supplement is meant to provide a simplified overview of the process for applying for water and sewer in the Town of Fishkill. This does not substitute for the detailed requirements found in the Town of Fishkill Town Code.

The following activities occur between the time of Initial application and Final approved usage of the water or sewer system(s):

1. Note: multiple fees may be applicable. Visit the Town of Fishkill web site for the latest Fee Schedule.
2. Planning Board Approval, where required, is obtained by the applicant per the planning process. (see Appendix B)
3. Where the Town Board, Planning Board or the Zoning Board of Appeals uses the services of private engineers, attorneys or other consultants for purposes of engineering, scientific land use planning, environmental or legal reviews the applicant and landowner, if different, shall be responsible for payment of all the reasonable and necessary costs of such services. In no event shall that responsibility be greater than the actual cost to the Town of such engineering, legal or other consulting services.
4. Applicant's engineer modifies the existing Map, Plan & Report to include new parcels.
5. Town Board Approval is obtained by the applicant (if required – for district expansion) by adopting the revised Map, Plan and Report describing expanded the district.
6. Building Department Approval
 - 6.1 Building Department contacts Town of Fishkill Water System Operator to confirm water availability
 - 6.2 The Building Department provides approval to proceed with tapping at the time it accepts the Tapping fees paid to the Town. The applicant follows Building Permit process.
 - 6.3 The applicant's contractor contacts Town of Fishkill Water System Operator for tapping / connection.
 - 6.4 Water System Operator is on site for any pipe tapping
 - 6.5 TOF Building Inspector conducts final inspections
 - 5.4.1 A trench inspection is required by TOF Building Inspector or Town of Fishkill Water System Operator, prior to backfilling over any water or sewer line
 - 6.6 [§ 118-53] All public sewer users require a building sewer permit, except as authorized by the "Superintendent"
 - 6.7 All industrial sewer users must also obtain a Wastewater Contribution permit. See Town Code [§ 118-56]
7. Applicant's engineer inspects property
 - 7.1 If Applicant uses his/her own engineer, the Town Engineer needs to review the calculations for water flow and pressure prior to acceptance
 - 7.2 Utility providers must be notified and their lines located prior to any digging, by law. Owner/contractor must call Dig Safely New York (dial 811) at least 2 working days prior to breaking ground

- 7.3 Also part of the Dig Safely New York (dial 811) process, the TOF Water System Operator needs to be contacted by the applicant by calling 811 to obtain where approximate locations of existing water lines on the property have been identified. NOTE: the Water System Operator needs at least 3-4 business day advance notice during weekdays, during normal business hours.
- 7.4 notification in writing by the Owner / contractor to the Electric Utility, is required at least five normal working days before work is begun within 10 feet of any live overhead power line or before any excavation work is performed which might contact or disturb a live underground power line.
- 7.5 Builder installs pipes
 - 7.5.1 All work must be in compliance with NYS Plumbing Code, NYS Dept. of Health and TOF requirements.
 - 7.5.2 If the work is performed by the homeowner, Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1,2,3 or 4 Family , Owner – occupied Residence, Form BP-1, must be completed (form included in Building Permit package).
 - 7.5.3 If the work is performed by the contractor, a performance bond may be needed and Workers Compensation and Disability and liability insurance is required with the TOF named as an additional insured.
 - 7.5.4 If there is no service at the location and a new tap is required, the TOF Water System Operator must be notified at least one calendar week in advance and must be present to make the new tap. New taps are performed Tuesday through Thursday.
 - 7.5.5 If there is existing curb valve at the location, the TOF Water System Operator must be present to make the connection, Monday – Friday with one week notice.
 - 7.5.6 A meter will be installed by the customer either inside the residence or in a meter pit, depending on the distance located from the road.
- 7.6 All installations must be per Town Code, found on the Town of Fishkill web site
- 7.7 Note: Sewer lines must be a minimum of 10 feet away from water lines
- 7.8 A Pressure Regulating Valve, where required, must be installed immediately inside the building.
- 7.9 Backflow prevention devices are required on water service installations to prevent cross contamination of the water supply system.
- 7.10 TOF Building Inspector, or Water System Operator inspects newly installed lines to ensure they are consistent with TOF Building Department approved configuration.
- 7.11 Applicant will be informed at the time of inspection (and after Dept. of Health approval, if required) when the service line will be activated. (typically less than 2 days)
- 8. Fire flow (required for commercial applications)**
 - 8.1 Capacity and Flow requirements are to be identified by the Owner's engineer and confirmed by the Town Engineer.
- 9. The TOF needs to be contacted to schedule having the water turned on or off. Water can be turned off on an emergency basis 24 hours a day, otherwise there will be a charge for the water to be turned on/off after normal week day working hours.**

Supplemental Process Information – Planning Board

This procedure supplement is meant to provide a simplified overview of the process for applying for water and sewer in the Town of Fishkill. This does not substitute for the detailed requirements found in the Town of Fishkill Town Code.

The following activities occur between the time of Initial application and Final approved usage of the water or sewer system(s):

1. The Planning Board has no authority for municipal water & sewer other than to include a condition, when applicable, in a Planning Board Resolution of Final Approval. Said condition indicates that the project sponsor must petition the Town Board for the municipal water & sewer.
2. The Town Board has sole authority as to the approval of Municipal Water & Sewer.
3. Municipal Water & Sewer Agreements are prepared by the Town Board's attorney and are handled by the Town Board attorney at the Town Board's sole discretion.
4. If a condition is listed on a Planning Board Resolution of Final Approval that is applicable to Municipal Water & Sewer, said condition is deemed complete when the Town Board Attorney indicates that the condition is satisfied by means of a memorandum to the Planning Board Secretary, which must be completed prior to the signing of any final site plans or final subdivision plats by the Planning Board Chair.
5. If a final inspection of a development and/or subdivision is required prior to the final certificate of occupancy being issued by the Building Department, it is coordinated through the Town Building Inspector. The Site Inspection Fee, if applicable, is calculated by the Planning Board Engineer in accordance with the Town Code based on calculations that are provided directly to the Planning Board Engineer by the project sponsor's engineer. The Site Inspection Fee, if applicable, is included in the Planning Board Resolution of Final Approval as a condition and must be paid prior to the Planning Board Chair signing the final site development plan drawings and/or the final subdivision plat.
6. The Planning Board approved final site plan drawings and/or final subdivision plat, Resolution of Approval and project file are records the Planning Department (by means of a FOIL request) would be able to offer.
7. When the final site plan drawings and/or the final subdivision plat are signed by the Planning Board Chair the approval is considered to be completed by the Planning Board and moves to the Building Department for the issuance of the building permits, compliance with the approved final site plan approval and/or final subdivision approval.

Appendix C

There are two methods of extending a water or sewer district (or of creating one in the first instance). Under the first method [Article 12-A] the **town bears the cost** of preparing the map, plan and report and establishing the proposed district boundaries. **This method of extending the district is subject to permissive referendum.**

Under the second method [Article 12], property owners must petition the town board for extension of the district and those **petitioners then bear the cost** of preparing the map, plan and report and establishing the proposed district boundaries. **This method of extending the district is not subject to permissive referendum.**

Special District

Sewer and Water District Establishment Checklist via Alternate Procedure (Article 12-A Town Law)

- A. Town Board appropriates cost of preparing map, plan and report giving proposed district boundaries and subject to permissive referendum. Expense to be advanced by General Funds; to be repaid when District created.
- B. Town Board orders Public Hearing including:
 1. Proposed District boundaries;
 2. Improvements proposed;
 3. Maximum amount to be expended;
 4. Proposed method of financing;
 5. Estimated hook-up fees;
 6. Cost to typical one or two family home (includes debt service, operation and maintenance, sewer rent, water charges, etc.).
- C. File at Town Clerk's Office:
 1. Explanation of cost of hook-up fees;
 2. Explanation of cost to typical property. (Grants and loans referenced only when firm commitments)
- D. Order for Public Hearing:
 1. Not less than 10 nor more than 20 days before hearing:
 - a. Posted on Town Clerk's signboard;
 - b. Published in official Town newspaper;
 - c. Possible personal notice to property owners (*Garden Homes* decision).
 2. If cost not above average cost threshold (presently in 2006 sewer \$585, water \$579), copy of order to State Comptroller but Comptroller's approval not required later.
- E. Town Board conducts Public Hearing.
- F. After hearing Town Board determines:
 1. Whether the petition is signed and acknowledged or proved as required by law and is otherwise sufficient;
 2. Whether all the property and property owners within the proposed district or extension are benefited thereby;
 3. Whether all the property and property owners benefited are included within the limits of the proposed district or extension;
 4. Whether it is in the public interest to grant in whole or in part the relief sought.

- G. Town Board decides any allocation of shared costs with parent district.
- H. Town Board determines no adverse environmental impacts. Town notifies potentially involved agencies which might include DEC, DOH, County DOT, NYS DOT, County Planning, Funding agencies of desire to be lead agency; if no objections filed in 30 days, can continue SEQR process. If federal funding involved NEPA compliance required, which will satisfy both state and federal requirements.
- I. Town Board orders establishment of district subject to:
 - 1. Permissive referendum:
 - a. Order published in official newspaper and posted on Clerk’s signboard;
 - b. Petition requesting referendum requires lesser of 5% number of property owners or 100 owners;
 - c. If no petition received for 30 days, order becomes final;
 - d. If petition received referendum held—same as 2 below.
 - 2. Mandatory referendum:
 - a. Town Board may submit matter to referendum (Town Law section 94) at biennial election (November [year]) or special election;
 - b. If special election:
 - (1) Town Board designates voting place(s) and hours (at least 6 consecutive) between 8:00 A.M. and 8:00 P.M.
 - (2) Town Clerk publishes and posts notice at least 10 days prior to election date;
 - (3) Town Board designates election inspectors and ballot clerks;
 - (4) Majority of voters must approve district establishment.
- J. Town Clerk files order in County Clerk’s Office certifying either no petition filed requesting referendum or vote of election.
- K. Town Clerk files certified copy of order with State Comptroller and if average costs threshold exceeded (presently Sewer \$573 and Water \$575) application to create district.
- L. Any aggrieved party has 30 days after filing to start review proceeding.
- M. Health Department, DEC approval.
- N. Town Board directs construction plans and specs be prepared.
- O. Town Board solicits competitive bids and awards contract.
- P. Construction commences.
- Q. If project is being financed by serial bonds:
 - 1. Town Board approves bonding resolution by at least two-thirds vote.
 - 2. Bonding Resolution:
 - a. Published in official newspaper;
 - b. Posted on Clerk’s signboard.
 - 3. Any protest suit must be started within 20 days from date of publication.

Special District

Sewer and Water District Establishment Checklist via Petition Method (Article 12 Town Law)

- A. Petition of property owners:
 - 1. Resident property owners owning at least 50 percent of assessed value in proposed district with map and plan giving proposed district boundaries and environmental assessment filed with Town Clerk.
- B. Town Board orders Public Hearing including:
 - 1. Proposed District boundaries;
 - 2. Improvements proposed;
 - 3. Maximum amount to be expended;
 - 4. Estimated hook-up fees;
 - 5. Cost to typical home.
- C. File at Town Clerk's Office:
 - 1. Explanation of cost of hook-up fees;
 - 2. Cost to typical property.
- D. Order for Public Hearing:
 - 1. Not less than 10 days nor more than 20 days before hearing;
 - a. Posted on Town Clerk's signboard;
 - b. Published in official Town newspaper.
 - 2. If cost not above average cost threshold (2017 cost: \$629), copy of order to State Comptroller.
- E. Town Board conducts public hearing.
- F. After hearing Town Board determines:
 - 1. Whether the petition is signed and acknowledged or proved as required by law and is otherwise sufficient;
 - 2. Whether all the property and property owners within the proposed district or extension are benefited thereby;
 - 3. Whether all the property and property owners benefited are included within the limits of the proposed district or extension;
 - 4. Whether it is in the public interest to grant in whole or in part the relief sought.
- G. Town Board decides any allocation of shared costs with parent district.
- H. Town Board determines no adverse environmental impacts.
- I. Town Clerk files the order establishing (or extending) the district within 10 days in County Clerk's Office.
- J. Any aggrieved party has 30 days to start review proceeding.
- K. Town Clerk files certified copy of order with State Comptroller, and if average cost threshold exceeds (presently Sewer \$587 and Water \$529), application to create district.
- L. Health Department, DEC approval.
- M. Construction commences.
- N. If project is being financed by serial bonds:
 - 1. Town Board approves bonding resolution by at least a two-thirds majority vote;
 - 2. Bonding Resolution;

- a. Published in official newspaper;
 - b. Posted on Town Clerk's signboard.
3. Any protest suit must be started within 20 days from date of publication.