

**Town of Darien**  
**Building and Zoning**  
10569 Allegany Road  
Darien Center, NY 14040  
585-547-2274 TDD: 1-800-662-1220  
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### **Genesee County Pond Plan Checklist**

Ponds for a variety of uses including water supply, wildlife habitat, and recreation are very popular in our area. Each year, the Genesee County Soil and Water Conservation District receives numerous calls from property owners interested in building a pond. If you think a pond would enhance your landscape, here are some important facts that you need to know.

#### **Pond Siting Requirements for Town of Darien**

*Article VIII, Section 816 of Zoning Law:* The purpose of this section is to provide for the construction of ponds that are adequately designed and located so as to not pose adverse impacts upon surrounding land uses. Farm water supply, conservancy, storm water/erosion control and fire protection or other ponds may be located within the LDR, REC, C, and I districts upon issuance of a special use permit provided the following criteria are met:

- A) The proposed pond is located not less than fifty (50) feet from any property line.
- B) The proposed pond design is considered acceptable by the Genesee County Soil and Water Conservation District.
- C) The pond is constructed in conformance with the design specification in Subsection B of this Section, including any reseeding or re-vegetation requirements.

The Town of Darien requires that the Genesee County Soil and Water Conservation District review a pond site before construction. SWCD staff will conduct a pond site evaluation free of charge. A letter is required from Genesee County Soil and Water to the suitability of the site.

Parcels facing county or state highways require approval by the Genesee County Planning Board in addition to the town planning board approval. The approval process can take 1 -3 months depending upon schedules for town and county planning board meetings.

Residents can build their own ponds if applicable town and county approval requirements are met.

This institution is an equal opportunity provider, and employer. If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at [http://www.ascr.usda.gov/complaint\\_filing\\_cust.htm](http://www.ascr.usda.gov/complaint_filing_cust.htm), or at any USDA officer, or call (866)632-9992 (TDD (800)662-1220) to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at: USDA, Director, Office of Adjudication, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410, by fax (202)690-7442 or email at: [program.intake@usda.gov](mailto:program.intake@usda.gov)

Test holes (at least 6' deep) may need to be dug, and will be at the property owners' expense. This process requires a backhoe, and is performed while SWCD staff conducts an on-site evaluation of soils, bedrock, and water table conditions. It is recommended that the test hole(s) be at least as deep as the planned bottom depth.

Soil types, topography, tax parcel boundaries, wetlands, and stream locations may restrict pond sites. Building a pond in a wetland requires a permit from the NYS Department of Environmental Conservation. SWCD may assist in preparing the permit application. Materials excavated from the pond for use as a dike must be able to hold water in the pond. Some soil types are not suitable for dike construction. Also, property owners must move excess materials away from the pond after completion, which may require an additional expense if the materials are moved off-site. NYSDEC Mining and Reclamation permits and plans are required if more than 750 cubic yards of material will be removed from the property.

Fish habitat requires 8ft. - 10ft. depth minimum. SWCD sells golden shiners, bass, trout, fathead minnows, channel catfish, walleye, perch, and grass carp. Grass carp purchases require a permit from NYS Department of Environmental Conservation. SWCD may assist in preparing the permit application.

All aquatic vegetation chemical controls require permits from the NYS Department of Environmental Conservation. The Region 8 NYSDEC office in Avon can be contacted by calling 585-226-2466.

If you would like more information about ponds, call us at 343-2362x5 Monday - Friday between the hours of 8:00 AM and 4:30 PM.