

TOWN OF NEW PALTZ

Wetland Inspector's Report – 2022

Prepared for:

Town of New Paltz
52 Clearwater Road
New Paltz, NY 12561

Client Ref: #142.15658.00002



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1.0 INTRODUCTION

In June 2018, SLR Engineering, Landscape Architecture, and Land Surveying, P.C. (SLR) (formerly Milone & MacBroom, Inc.) entered into an agreement with the Town of New Paltz to serve as the town's Wetland Inspector. Under this agreement, SLR provides assistance with enforcement and permit processing responsibilities set forth in Town Code Chapter 139, Wetlands and Watercourse Protection.

These services are provided principally by Mark Carabetta, PWS, CFM, Environmental and Wetland Scientist. SLR's office is located at 231 Main Street, Suite 102, in New Paltz, New York.



New Paltz Wetland, photo by Mark Carabetta

2.0 SUMMARY OF SITE REVIEWS

SLR's duties and responsibilities during the 2022 calendar year have included the following:

- Initial inspection of properties when landowners are unsure of the existence or location of wetlands or other regulated features on their land or to provide preapplication consultation
- Review of wetland boundary determinations made by an applicant
- Evaluation of development applications
- Evaluation of potential wetland violations

These are summarized below. Locations are depicted on the map that follows (Figure 1).

2.1 Permit Applications and Preapplication Consultations

360 North Ohioville Road – A site visit was conducted in April 2021 to assess the potential development of a single residence on the property. The applicant was advised to retain the services of a qualified wetland scientist to delineate and map all wetlands and other features that are regulated under the Wetland and Watercourse Protection Law. A lot development plan was provided by the applicant in January 2022 depicting the wetland boundary and associated 100-foot buffer area and indicating the proposed placement of a house with deck, septic tank, primary sewage disposal system, reserve sewage disposal system, and well. All proposed features are proposed to be located outside of the wetlands and associated buffer area and therefore would not require a permit under the law. The lot development plan depicted a “travelled way,” which is currently a rough dirt access road running approximately 650 feet from North Ohioville Road to the area of the proposed house. The existing access road is directly abutted by wetlands along portions of its northern edge and crosses within the associated buffer area of wetlands to the north. Improvements to the access road may require a permit. The applicant was requested to provide additional details on what improvements, if any, are proposed for the access road. No additional information has been provided to the wetland inspector.

98 South Ohioville Road (Viking Industries) – A visit was conducted in October 2021. The applicant, Viking Industries, was proposing to construct an approximately 45,000-square-foot building expansion with associated loading dock and parking lot to be located behind and adjacent to the existing facility. In February 2022, the Planning Board requested a review by the wetland inspector of whether the proposed project poses a threat to the bog turtle, which is federally listed as a threatened species. A review was conducted of the report prepared by the applicant's consultant. The report concluded that no significant adverse impacts to the bog turtle will occur as a result of the proposed project. The wetland inspector concurred with this conclusion.

500 Main Street (Hudson Valley Credit Union) – The applicant was proposing to construct a commercial credit union building on the property. The applicant provided supporting documents and a request seeking a Town of New Paltz permit for regulated activities occurring within the regulated 100-foot associated buffer area. The wetland inspector visited the site (memo dated October 7, 2021), reviewed documents, and provided comments (memo dated July 15, 2022).

After review of responses to comments, the wetland inspector recommended that the town issue a permit for the activities being proposed in the regulated 100-foot associated buffer area.

98 Prospect Street – The applicant was proposing to construct a new single-family residence on the property, which currently has an unoccupied single-family residence. The purpose of the visit, conducted May 2022, was to determine whether areas that are regulated under the Wetland and Watercourse Protection Law are present and, if present, to identify the boundaries of these regulated areas and advise the applicant on the requirements for a wetland permit. A waterbody was identified on the property. The applicant was advised that the construction of a new single-family residence on the subject property will require a permit under the law. No additional information has been provided to the wetland inspector.

350 North Ohioville Road – A visit was conducted in June 2022. The applicant was proposing to subdivide two existing lots to create six lots, with new houses, driveways, septic, and wells. The purpose of the visit was to verify that boundaries delineated by Ecological Solutions accurately represent areas that are regulated under the Wetland and Watercourse Protection Law. The wetland inspector provided comments and recommended revisions to the delineated regulated features. No additional information has been provided to the wetland inspector since these comments were provided.

71 Old Tschirky Road (Culinarian Home Foundation, Inc.) – The applicant was proposing to install an exterior generator and underground propane tank. A fenced enclosure was proposed to surround the generator, which will be located at the edge of a treed area. Trenching was proposed to connect the generator to an existing, nearby utility pole. A visit was conducted in July 2022. A pond is located on the property adjacent to where the generator is proposed. The waterbody and a 100-foot associated buffer area surrounding the pond meet the definition of regulated areas as defined in the Wetlands and Watercourses Protection Law. Based on the small area of proposed disturbance and the previously developed setting, a Notice of Determination was issued by the wetland inspector.

23 Old Mill Road – A visit to the property was conducted in October 2022 to review the wetland boundaries that had been flagged by Michael Nowicki of Ecological Solutions. Mr. Nowicki and the wetland inspector reviewed the wetland boundary and agreed to move two flags slightly in a northeasterly direction. In December 2022, Mr. Nowicki provided an amended wetland map, which was approved by the wetland inspector.

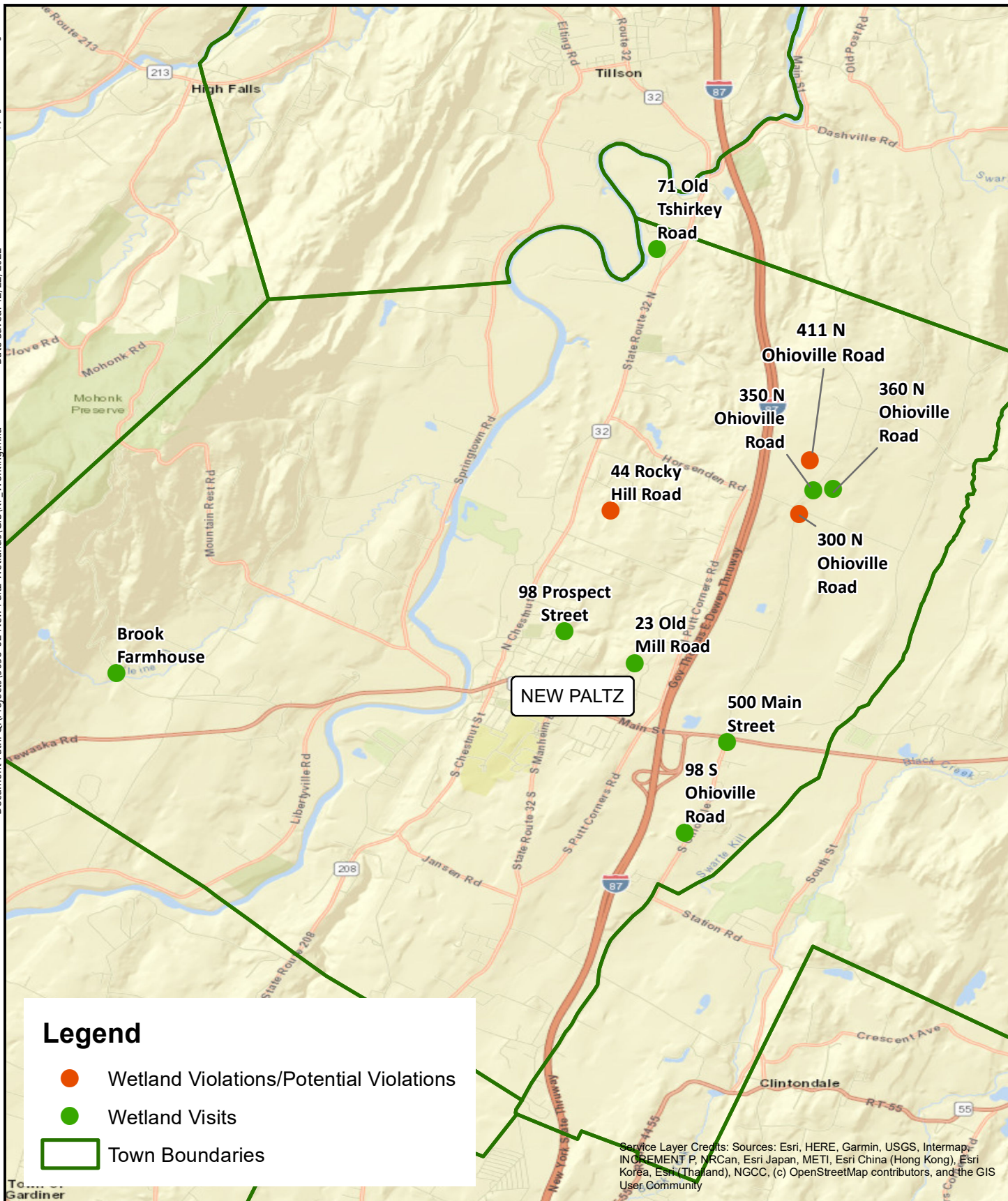
Brook Farmhouse, Mohonk Preserve, Lenape Lane – The applicant is proposing to rehabilitate the Brook Farmhouse. A sketch plan and project narrative were provided showing proposed improvements and indicating that activities are proposed within the 100-foot associated buffer area of adjacent wetlands, which is a regulated area as defined in the Wetlands and Watercourses Protection Law. Additional information will be provided by the applicant following updates to the wetland and watercourse delineation and revisions to the sketch plan and project narrative.

2.2 Potential Violations

44 Rocky Hill Road – The wetland inspector was made aware of a potential violation by way of a memorandum from the town engineer to the Planning Board. The town engineer made a comparison of 2016 and 2021 aerial photos, which indicate that two ponds, a driveway, and a cleared/graded area appear to have been constructed in 2016 or later. Both ponds appear to be located within federally and town-regulated wetlands. The wetland inspector visited the property in July 2022 and provided a memorandum summarizing findings and recommendations. The two ponds appear to have been constructed within wetlands that are regulated under the Wetland and Watercourse Protection Law. If no permit was obtained from the town, the construction of the ponds is in violation of the Wetland and Watercourse Protection Law. Action should be taken by the town to correct this violation. The construction of the ponds also occurred within federally regulated wetlands. The U.S. Army Corps of Engineers should be notified of the violation. No additional information has been provided to the wetland inspector since the memorandum was provided. Action must be taken by the town to ensure enforcement of the Wetland and Watercourse Protection Law.

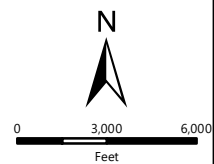
411 North Ohioville Road (Mid Hudson Sporting Clays) – A wetlands violation was reported at this site and had been verified by a previous wetland inspector in 2017. The landowner has been asked to submit the following: an updated map showing regulated feature boundaries, a quantification of all impacts to the onsite regulated features, and a plan depicting proposed mitigation measures. No new information has been provided to the wetland inspector for nearly 2 years. Action must be taken by the town to ensure enforcement of the Wetland and Watercourse Protection Law.

300 North Ohioville Road – A site visit was conducted in August 2019 to determine if a wetland violation had taken place. The site visit confirmed that fill material and construction debris was actively being placed within the regulated buffer area of a wetland. A recommendation was made to the town that the landowner be advised to apply for a wetlands permit and submit a restoration plan that would entail removal of the recently placed earthen fill and construction debris from within the wetland buffer. No additional information has been provided to the wetland inspector since the memorandum was provided. Based on visual observation when passing by the property, it appears that the violation has continued to occur with no action taken by the town. Action must be taken by the town to ensure enforcement of the Wetland and Watercourse Protection Law.



231 MAIN STREET
SUITE 102
NEW PALTZ, NY 12561
845.633.8153

NEW PALTZ WETLANDS VISITS
WETLANDS INSPECTOR 2022 REPORT
TOWN OF NEW PALTZ
ULSTER COUNTY
NEW YORK



SCALE 1" = 6,413'
DATE 12/22/2022
5658.02
PROJ. NO.

FIG. 1

3.0 WETLAND MAP UPDATES

The Town of New Paltz Wetland & Watercourse Map is a townwide map produced at a scale of 1"=2,000', which is intended to provide New Paltz residents and potential applicants with the general locations of wetlands, watercourses, and other regulated features. Potential applicants should request a preapplication consultation, and a field delineation of wetlands and other regulated features should occur if an application is to be submitted. At this time, it is the wetland inspector's opinion that a revision of the Town of New Paltz Wetland & Watercourse Map is unnecessary.

In preparing for a site visit, in addition to the Town of New Paltz Wetland & Watercourse Map, SLR consults other mapping and resources, including maps of hydric soils, which are a strong indicator of the presence of wetlands.

4.0 RECOMMENDATIONS

In reviewing the work that has been undertaken during 2022, the following suggestions are offered for consideration:

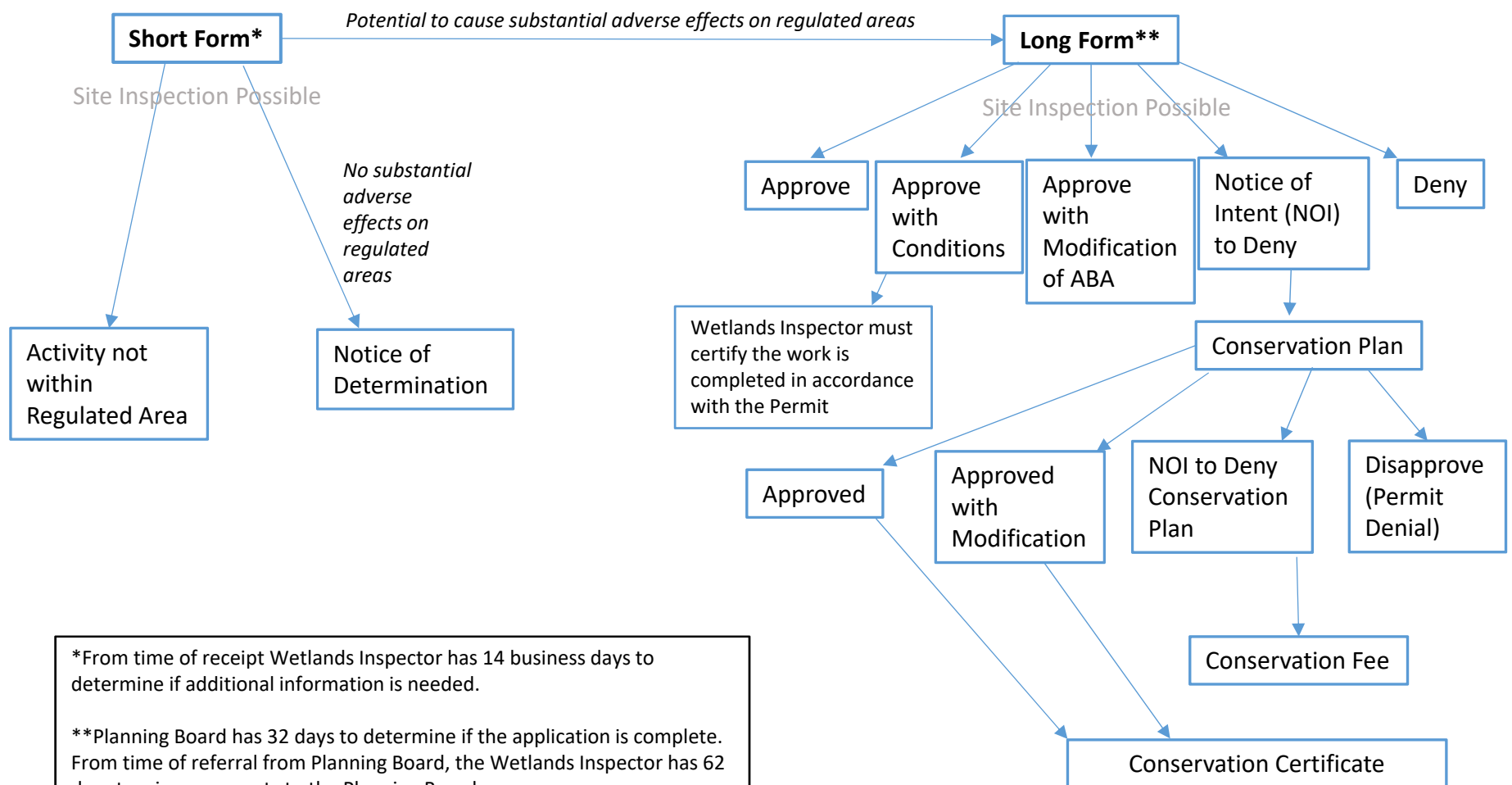
- As documented above, at least two confirmed violations of the Wetland and Watercourse Protection Law have been left unresolved for several years. Action must be taken by the town to ensure enforcement of the Wetland and Watercourse Protection Law.
- A look at the Town of New Paltz website revealed that basic, easy-to-understand information regarding the town Wetland and Watercourses Protection Regulations can be challenging to find. It would be useful to add a Frequently Asked Questions (FAQ) information sheet or similar level of information regarding the wetlands law to the website. A link to these FAQs could be added to the Environmental Conservation Board and/or the Planning Board pages. A link to the regulations could also be added to these pages.
- Also, on the town's homepage, it may be clearer to viewers if the 'Town Map' link box was labeled 'Town Maps' or simply 'Maps' to clearly convey that there are numerous maps available within that link, including the Town of New Paltz Wetland & Watercourse Map.

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APPENDIX

Town of New Paltz Chapter 139: Wetlands and Watercourse Protection Regulations

Review Process



New Paltz Wetlands - Regulated Areas (§139-5)

Intermittent Water Course – Associated Buffer Area (ABA) – 50 ft

Perennial Watercourse – ABA 100 ft

Wallkill River – ABA 200 ft

Quality Vernal Pool – if over 100 sf , ABA - 100 ft

Waterbody over 1/10 acre

Freshwater Wetland 1/10 acre -1 acre with ABA – 50 ft

Freshwater Wetland 1 acre or more with ABA – 100 ft