

Public Hearing: Wetlands & Watercourse Law September 22, 2011

Present: David Lewis, Jeff Logan, Kitty Brown, Toni Hokanson

At 7: p.m. Supervisor Hokanson opened the public hearing on Wetlands & Watercourse Protection. Seconded by Councilman Logan, all aye votes cast, motion carried.

Public Comment: Ann Guenther spoke on behalf of Climate Change Coalition—they are in favor of passing this law. She explained the role played by warm climate in terms of

Norm Turner, for EnCB, endorses by the law

Scott Cuppett, town resident, helped author the pre-cursor to this law seven or eight years ago. Will send electronically

MaryBeth Lunati, Town resident, is against the new law—DEC has a law, doesn't see why the town has to pass another law. # 10 and 11

Dan Guenther thanked the board.

Eric Irwin of Plutarch Road, has four of six acres in a wetlands. With government mandated buffer zone we have about 1 ¼ acre we can actually use; feels law is restrictive-why do you need such a restrictive law to take away everybody's property rights.

Bruce Mikesh, Town resident: thinks it's a waste of time –wasting tax money all the time; there are places that are flooded and wetlands, start removing beavers. People are hurting; Taxes go up because the Town wastes our money.

Margaret Human, Town resident: water is a precious resource; law will conserve and purify our water, can't measure –pure water is priceless. Spoke on behalf of her daughter Elizabeth Arielle Curtin.

Howard Yarme: supports protecting the wetlands.

Georgette Dunn, Town resident: opposing the law the way it's written-giving her timeslot to Bob Gabrielli.

Barbara Peterson, Town resident: supportive; this version is improved over previous-will e-mail comments

Rob Ferri, Town resident: we need to take a leadership role-state and Federal govt don't have resources to help-it's up to us.

Amanda Sistenstein: activist, need to pass now.

Bob Gabrielli, Town resident: 2441 acres under DEC protection; 1581 acres proposed to be added. State has staff to protect wetlands-this is not new wetlands law-it's a revision of 2005 law that was voided by Judge Egan.

Judy McGuire, Town resident: had concerns, feels it an us vs. them mentality; the violation fee of \$5000 per day scared her; what about definition? Concerned about restrictiveness. Concerned about financial impacts for homeowners (for surveys, etc)

Seth McKee, Town resident: offered gratitude to the board – wetlands & water courses are part of our infrastructure. It is not a ban, it's a regulation.

Miriam Strouse, Town resident: best stormwater management is a wetlands.

Dave Porter, Town resident: personal remarks, not as co-chair of AFFIRM: court proceeding – hearing concerns similar to when WalMart fight was taken.

Everette Payne, Town resident: four letters of suit – said wanted send again

Ira Margolis, Village resident: hear lot of comments that we need it, and from people who said how much work was done, people had no problem when certain people filled them in.

Kevin Barry, Town resident, feels it is important for the local community to protect their local resources. Would like to see mapping; has town identified any deficiencies with our water – not opposed but wants to make sure it is the right law.

Rachel Lagodka, Village resident, asked if anyone here has changed their mind, advised it is not appropriate at a public hearing to poll the audience; she feels it should be passed.

The Supervisor indicated the Board will accept written comments for two weeks.

At 8:12 p.m. a motion was made by the supervisor to close the Public Hearing. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

Break. 8:21 p.m. Attorney Gordon explains how to avoid violation.

- Arrange for Wetlands Inspection, can ask for more advice.

Trades people will know the local law

\$5000 fine if Wetlands inspector says you're violating, the Building Inspector. can issue an order to remedy; you go before a judge. Maximum fines have always existed. There is no requirement to define the wetlands on each property.

8:47 p.m. Supervisor Hokanson opened the meeting with the Pledge of Allegiance.

Agenda; A motion was made by Supervisor Hokanson to adopt the agenda as presented. Seconded by Councilman Lewis, all aye votes cast, motion carried.

Public Comment: Ira Margolis, Village resident, indicated he went to the Village DW regarding sewage in his development (Colonial Arms). The DPW said it was not his fault nor his responsibility due to the Town not shutting off the valve possibly located behind his Colonial Arms development. Bleu called Bob Leghorn and got no response? Ira said he confirmed the phone calls took place thru his police reports.

Agenda items: discussion of water/sewer rates: Engineer David Clouser present. Rates-each district – existing vs. proposed rates. Second chart: expenditure and revenue summary. Councilman Logan: running in a deficit:

David has background-no change since 2003; in 2004 or 2005 the Village rates went up 50%, JL: deficit in sewer 6 is greater than \$59,350.00. These are estimated numbers. Need to re-pay our general fund....Councilman Logan read aloud an April e-mail from accountant Linda Hannigan. Need to pull sewer 6 expenditures-deeply indebted. Sewer 6 -12% increase won't help it. Transfers from A fund general fund to sewer 6

David: looked at eight communities; the Village of Wappingers Falls uses a connection fee for businesses, not residences. Changing to effluent meters

Councilwoman Brown feels we need to do something now-willing to entertain proposed rates with the understanding we will go to bonding next year. Interested in surcharge for additional usage. She also wants to encourage conservation. 500 cubic feet is equal to less than one bedroom. Councilman Logan is not interested in increasing rates..can't budget penalties. Dave: water district #1 last 47,000 after Village rates went up. Raising 20% can stop the bleeding. Sewer 6: can get hardship loan with a salary survey. Has to be done by a third party-the Supervisor is doing an RFP. Councilwoman Brown made a motion to approve proposed Rate changes. Councilman Logan: each cubic foot should be increased. Dave: can be done tonite.

Supervisor Hokanson made a motion to declare the Town Board Lead Agency for setting water/sewer rates. Seconded by Councilman Logan, all aye votes cast, motion carried.

Supervisor Hokanson made a motion to set a public hearing on December 1st at 7:15 p.m. Seconded by Councilman Lewis, all aye votes cast, motion carried.

Dave Clouser: time budgeted for water/sewer districts-has better way to calculate-by flow. Supervisor Hokanson made a motion to amend current budget in water/sewer to reflect this spread sheet. Seconded by Councilwoman Brown, all aye votes cast, motion carried.

..Filming on Rail Trail: expenses for new signage, maps etc. anti vandalism paint: \$3800. This is just for the New Paltz section. Councilman Lewis made a motion for the supervisor to sign the contract to WV Rail Trail Association. Seconded by Councilman Lewis, three aye costs cast with one recusal by Councilwoman Brown.

..(Timekeeping for elected personnel) Resolution: next meeting.

..Speed limit on Burleigh Road: coming back before the Board.

..**Prepays:** Supervisor Hokanson recused herself for two prepays; Councilman Logan made a motion to approve payment to C2g for 100 gallons of fuel oil. Seconded by Councilwoman Brown, three aye votes cast, motion carried.

Councilman Lewis made a motion to pay #11-95686 in the amount of \$5495.56 for a portion of the school tax. Seconded by Councilman Logan, three aye votes cast, motion carried.

At 10:22 p.m. a motion was made by Supervisor Hokanson to adjourn. Seconded by Councilman Lewis, all aye votes cast, motion carried.

Respectfully submitted,

Marian Cappillino
Town Clerk

Comments on Wetlands:

To: Town of New Paltz
Re: Proposed Wetlands Law
From: New Paltz Climate Action Coalition, Ann Guenther, Chair
Date: September 15, 2011



The New Paltz Climate Action Coalition submits this letter of support for the proposed legislation for the regulation and protection of Wetlands. Since our inception in March of 2009, we have been working to both reduce the causes of climate change, as well as adjust to the effects. This proposed law fits both of those goals.

Furthermore, our objectives state that we are to support short and long-range planning to deal with local environmental and social consequences of climate change. This includes short and long-range planning and legislation that deals with local environmental consequences.

General Support of Wetlands Legislation:

Our group believes that climate change is real and poses a potential threat to our northeast US region, particularly through weather extremes of drought and flooding, as in the most recent hurricane storms. Climate scientists have been predicting more frequent and more energetic storms due to increased absorption of heat energy and water in the atmosphere, as well as long periods of drought.

Because wetlands can both mitigate and help reduce these two extremes, their role is a crucial one. Thus their protection is of utmost importance. And since 75% of all wetlands in the US are on private property, we must ensure that property owners do all they can to maintain their existence.

Furthermore, biodiversity is now recognized as crucial in supporting a healthy community of both human and non-human species. Wetlands are a great contributor to biodiversity.

Support for Specific Aspects addressed by wetlands legislation:

- A. Flood mitigation:** Wetland areas have the capacity to absorb enormous amounts of water and releasing them at a relatively slow rate. Thus they can offset damaging floods on both specific sites, as well as providing overall absorption due to a large storm system, such as hurricane rains. This is especially important in our region where small farms are at risk.
- B. Drought mitigation:** Because of the soil type and land configuration of wetlands, they provide valuable sinks for water retention, especially during periods of drought. The availability of this water is especially crucial for biodiversity and agriculture.
- C. Absorption of toxic substances.** Water from floods and from toxic runoff can contain toxic materials and chemicals that can be accumulated in wetlands and potentially detoxified or more permanently impounded over time.
- D. Maintenance of biodiversity:** With the pressures from an increase in non-native species, coupled with weather extremes, the biodiversity in our region is at greater risk. Because wetlands support a large range of species from invertebrates and amphibians, to birds and mammals, it is important that we retain (or even increase) the number of wetlands in our area.
- E. Carbon Sequestration:** Increases in carbon dioxide in our atmosphere are a major cause of global warming. Wetlands play a positive role in reducing climate extremes by absorbing additional carbon, rather than releasing it. Since the acres of wetlands has decreased in the US by more than half since the 1600's, we must ensure that no more are obliterated.

We respectfully submit our comments in the hope that our local legislators will recognize the valuable role that wetlands play in our community, and will support the passage of the proposed legislation.

See attached Statement of our Mission and Goals pertaining to this legislation.

Climate Action Coalition of New Paltz

– Mission Statement and Goals * –

Note: highlighted areas substantiate our involvement in supporting this wetland legislation.

The Climate Action Coalition of New Paltz works to alert people in our area to the changes they can expect from climate change, and to ways to both reduce the causes and adjust to the effects.

1. **GOAL: Educate ourselves and other groups and individuals in the community about climate change science and psychology and about personal responses in order to mitigate and prepare for climate change:**

Objectives **

- A. Initiate/ organize Northwest Earth Institute course “Global Warming: CHANGING CO₂URSE” for other interested people
- B. Write letters and articles in local papers
- C. Conduct speaking engagements
- E. Create or participate in such events as. 350 Day, Earth Day, etc.
- F. Inform local groups through speaking engagements, letters to local publications, etc.
- G. Work with schools and colleges to encourage awareness, discussion and action plans
- H. Support other local efforts aimed at mitigating climate change
 - a. Email reports of our actions to interested parties.
 - b. Network with local organizations and municipal groups such as Greenworks

2. **GOAL: Support short and long-range planning to deal with local environmental and social consequences of climate change.**

Objectives:

- A. Research other models (e.g. Rising Waters report) and disseminate information to local organizations, government agencies and lawmakers
- B. Inform and work with local environmental agencies on ways to plan and implement procedures to reduce impacts of climate change
- C. Attend meetings and provide information to policy makers
- D. Utilize resources of state agencies that are charged with preparing for climate change

3. **GOAL: Analyze and support legislation at local, state and national levels to reduce causes of climate change.**

Objectives:

- A. Strengthen connections with our legislators and others
- B. Become key players through meetings and other communications
- C. Help educate our representatives to the issues of climate change

* Adopted at CAC mtg 3-18-10



Town of New Paltz
PO Box 550, 1 Veterans Drive, New Paltz NY 12561

Environmental Conservation Board

September 7, 2011

Ms. Toni Hokanson, Supervisor
New Paltz Town Board
1 Verteran's Drive
New Paltz, NY 12561

Re: Wetlands and Watercourse Protection Law

Dear Supervisor Hokanson and Town Board Members,

The Town of New Paltz Environmental Conservation Board, acting in its statutory role as advisor to the Town Board, endorses the proposed Wetland and Watercourse Protection Law currently in public hearing.

Wetlands, vernal pools and streams provide habitat for myriad species; function as reservoirs during stormwater runoff; cleanse runoff by removing sediment and excessive nutrients; and replenish groundwater. Benefits to the community include fewer and less severe floods; water for domestic wells; recreational opportunities such as boating, fishing and observing wildlife; and preservation of open space.

These resources provide their full range of benefits only if their drainages are intact. That is why protecting upland areas around vernal pools and wetlands, and riparian corridors along streams, is universally regarded by biologists and hydrologists as vital to their preservation, and why the proposed law requires vegetated buffers of several widths. Vegetated buffers are integral to the law's purpose.

The State currently protects mapped wetlands of 12.4 acres and larger, but not vernal pools, smaller wetlands or large unmapped wetlands. The Army Corps of Engineers has jurisdiction over wetlands large and small, provided they are connected to navigable waters, but even then asserts its authority only when various conditions are met. In that the proposed law covers all watercourses, quality vernal pools (as defined in the law), and wetlands of 1/10 acre and up, it extends protections well beyond those provided by the State and Federal Governments.

The Environmental Protection Agency estimates that since the sixteen-hundreds over half of the original wetlands in the lower forty-eight states have been drained and converted to other uses. New York State is estimated by the EPA to have lost over sixty percent of its original wetlands. In light of this historic loss, it's of the utmost importance that the hydrological function of surface water resources be retained. Flooding is already a serious problem, with raw sewage spewing from Village manholes, Springtown Road and lands west of the Walkkill too frequently under water, and basements too frequently having to be pumped. Wetlands of less than 12.4 acres, vernal pools and the floodplains of stable streams comprise a very large reservoir, holding and slowing millions of gallons of runoff during storms. Without the extended protection the law provides, flooding will become worse. We have many domestic water wells that need a reliable supply of groundwater, and wetlands, large and small, hold water on the land, allowing it to infiltrate. Without the extended protection

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Town of New Paltz
PO Box 550, 1 Veterans Drive, New Paltz NY 12561

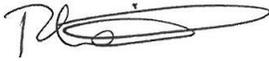
Environmental Conservation Board

the law provides, wells, at some time in an uncertain future of climate-change-related meteorological extremes, may go dry during droughts.

The proposed law is a reasonable and balanced compromise between the public interest and the private interest: the public interest of all residents in preserving invaluable and irreplaceable natural assets, the private interest of individuals being able to subdivide or build on their land. Wetlands and floodplains are entirely unsuited for construction, and should not be considered for that purpose to begin with. Not only are buildings intruded on wetlands and floodplains subject to various water-related ills, degrading these features of the landscape sends more water downslope to afflict other landowners. Though vegetated buffers wider than those stipulated in the law would be much better from a habitat and hydrology standpoint, wider buffers would eat up too much ground. The law is written to acknowledge that limitation. Agricultural practices are exempt from the law's requirements, and anyone wishing to construct a deck or shed, or even a house, that would intrude on a buffer has recourse under the law's provisions. The law is flexible. It is the outcome of many years of careful deliberation, and of many revisions.

It deserves the Town Board's full support.

Respectfully,



Rhett D. Weires, Co-Chair
On behalf of the Town of New Paltz Environmental Conservation Board



Michael Domitrovits, Co-Chair
On behalf of the Town of New Paltz Environmental Conservation Board

Cc: Mr. Michael Calimano, Chairman, Town of New Paltz Planning Board

Amanda
Sisenstein

Wetlands Public Hearing Testimony

With the extreme weather that we have been suffering through we must realize the need to pass this legislation. Looking at the severe property damage that the recent flooding has caused, we cannot wait any longer to pass a law to protect the wetlands that prevented the damage from being worse.

We can't wait any longer. We do not have another 25 years. Westchester waited so long by the time they were in a position to pass a law to protect wetlands there was not much left to protect.

This law is very fair and makes allowances for reasonable developments.

The property owners in opposition to this law seem to not understand the consequences of destroying or disturbing wetlands on their property, including lawsuits when that development causes damage to their neighbors' property. Whether they realize it or not this law is providing more protection for landowners than restrictions.

It would be negligent not to pass this law.
Amanda Sisenstein - 3 Westchester St Apt 3
New Paltz, NY

Comments on proposed New Partz Wetlands Law

Seth McKee

- I am speaking as a resident only.
- My compliments and gratitude to those who drafted this law, listened to the community, made changes to the law, and put in countless hours on behalf of our community.
- We, along with many other communities, invest in infrastructure for our community.
 - o School buses
 - o Road repair
 - o Police and highway vehicles
 - o Community centers
 - o Bridges
- Our wetlands and watercourses are part of our infrastructure.
 - o Reduce flooding and water damage – Scott Cuppett’s statistics are astounding.
 - “EPA estimates that a 1% loss in wetlands within a watershed can increase flooding by almost 7%. A 1 acre wetland may retain 1M gallons of water. Recent research suggests that every acre of wetlands provides \$689,700 in annual storm-protection benefits. Based on wetland loss numbers I’ve seen for the Hudson Valley, we’ve lost about 2,900 acres of wetlands between the mid 80s and mid 90s. That equates to \$2B lost in FREE stormwater protection benefits, and \$3B gallons of water retention capability that could reduce flooding. As a reference, \$3B gallons of water would cover about 7,000 football fields with 1 foot of water, or it’s about as much water that flowed down the Wallkill River for 3-4 hours during the highest peak flow after tropical storm Irene.”
 - o Water quality – future drinking water? Buffering wetlands and water courses is cost-effective.
- silt & debris avoidance
- With infrastructure, you invest today so that our children and beyond have a healthy community. You pay it forward.

- We need to invest today in protecting this vital part of New Paltz's infrastructure.
- Now is the time, during an economic downturn. It doesn't affect existing proposals that are waiting for approval.
- Free inspection by the town. A service. This addresses the concern that it's too costly to determine the extent of wetlands on one's property.
- Extensive exempt activities that include many day to day activities – *agr.* maintenance and replacement of septic systems, culverts, retaining walls, etc. These were among the early criticisms of the law that I heard, and they have been addressed.
- The law doesn't ban – it regulates. Permits so that the town can put reasonable restrictions and conditions on development near wetlands and watercourses.
- Many communities in the Hudson Valley now have wetlands ordinances. This is not some kind of New Paltz tree-hugging thing.
- We've had 3 100-year floods in the past 5 years. Is this the "new normal"? Many think so – extreme weather events are occurring with more frequency. *double damage of 7th*
- The wetlands law will help us be able to withstand the punch of future Irexes – and prevent more anguish of flooded basements, and worse. *Resilience.*
- Gretsky's secret – go not where the puck is, but where it's going to be.
- Passing this law will allow New Paltz to go where the puck is going to be – to continue to grow sustainably and adapt itself to the weather and climate challenges that we increasingly face.