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**Water for the Future**

Bureau of Engineering  
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September 24, 2015

Supervisor Susan Zimet  
Deputy Supervisor Jeff Logan  
1 Veterans Drive  
P.O. Box 550  
New Paltz, New York 12561

Re: Catskill Aqueduct Repair and Rehabilitation  
September 18, 2015 Presentation Follow Up and Coordination

Dear Supervisor Zimet and Deputy Supervisor Logan:

Thank you very much for taking time on September 18<sup>th</sup> to meet with DEP regarding the upcoming work to rehabilitate the Catskill Aqueduct (i.e., leak mitigation, mechanical/structural repair and chemical addition, and condition assessment/biofilm removal). We do appreciate the effort and look forward to our ongoing coordination on this topic as well as others.

In order to make sure that our understanding of your September 18<sup>th</sup> guidance is correct and to clearly document DEP regulatory obligations under Town code, please see the following notes from the meeting. Should you feel that any of the notes require edits, please let me know so that we can move forward appropriately.

**Permitting Considerations:**

- **Minimal Town Permit Needs**

- **Municipal Status** - Since New York City is a municipality with sole municipal custody of the Catskill Aqueduct, DEP would need to follow New York City building code and New York State building code. For this project, the Town of New Paltz will not require permitting in deference to the New York City and New York State building codes<sup>1</sup>.
- **Code Thresholds**
  - In addition, much of the proposed work will be conducted on small sites that do not meet regulatory thresholds according to Town code. For instance, each of sites 1 through 4 would require roughly 2,500 square feet (i.e., substantially less than the 10,000-square foot threshold), and site 5, even at roughly two acres, will require no clearing or grading. The minor tree clearing at each of the individual sites would likewise not reach the Town code thresholds requiring permits.

<sup>1</sup> NYCRR §1201.2 Governmental Buildings and Activities.

- Catskill Aqueduct ventilation stacks (“candy canes”) will not require permitting given their small size and lack of visibility.
  - **Wetlands Code Exemption** – Town Wetlands permitting will not be required as the nature of the project - ordinary maintenance and repair of the aqueduct - qualifies as an exempt activity under 139-10B Activities allowed without permits<sup>2</sup>.
- **MS4 Obligations** - As a municipal separate storm sewer system (MS4) community, the Town will conduct periodic inspections of the work sites as part of its stormwater management obligations.
- **State Permitting** - DEP will copy the Town as an interested agency on relevant state permit approval processes, such as those associated with the New York State Departments of Transportation (NYSDOT) and Environmental Conservation (NYSDEC).
- **Variance Possibility** - With the short, 10-week duration of the project, twenty-four hour, five days per week work may not require any variance from Town code. More information regarding the noise to be generated by the project needs to be provided by DEP and considered by the Town before a final determination can be made. Appropriate noise mitigation designed into the project may also alleviate the need for any variance.

#### **Future Meetings and Coordination:**

- **Site Visit** - DEP will invite Town officials on a set of site visits to the five project work areas in the Town. The purpose is twofold:
  - Enhance the Town’s understanding of the project, and
  - Gain invaluable insight from the Town related to land use, traffic, and neighborhood character, among other considerations.
- **Additional Follow Up Meetings** - DEP will work with the Town to coordinate the site visit and any related follow up meetings that may be needed.
- **Additional Information**
  - **Figures** - DEP will provide additional figures of a scale useful for identifying neighbors and potential construction concerns.
  - **Photographs** - Photos of the work sites with panoramic views of the surrounding area will also be provided to the Town.

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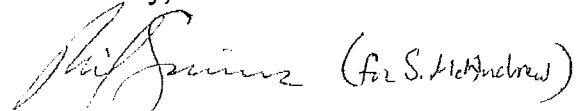
<sup>2</sup> The following activities are exempt from the permitting requirements for regulated areas as set forth herein: ... B. The ordinary maintenance and repair of existing functional structures, facilities, or improved areas, including but not limited to septic systems, water wells, bridges, highways and paved streets, driveways, walkways, walls, fences, railroad beds, bulkheads, docks, piers, or pilings, which maintenance and repair does not involve the expansion of such structures, facilities, or improved areas ...

**Construction Considerations:**

- **Residential Receptor Identification** - DEP will work with the Town to generally identify neighbors in proximity to the proposed work. The goal will be to foster an understanding of potential concerns, such as noise, traffic, or nuisance lighting, so that appropriate design and work practices can be incorporated into the project and related outreach to potentially affected residents can be performed.
- **Biofilm Management**: The final disposition of the biofilm removed from the aqueduct will likely be a matter of interest for those affected by the project. Specifics regarding composting, land application, or other methods of managing the material will be provided as appropriate.
- **Traffic Safety** - Given the current use of and speeds driven on Route 299, the Town agrees that DEP should investigate improving the entrance to the New Paltz – 5 work site existing access road. Improvements to increase sight distance and provide for safe entry and exit from Route 299 will be considered. A temporary speed restriction will be considered, as well.
- **County and State Jurisdiction** - As a County-maintained, State-owned road, both the County DPW and NYSDOT should be contacted regarding design and permitting for any improvements associated with Route 299.

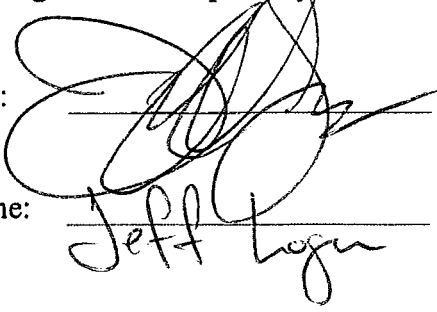
Thank you once again for your help with this critical water supply infrastructure project. And, should you have any questions or require additional information, please do not hesitate to contact Dan Michaud at (845) 340-7883, Phil Simmons at (718) 595-4471, or me at (845) 334-7195.

Sincerely,

 (for S. McAndrew)

Sean McAndrew

**Acknowledged and Accepted by Town of New Paltz**

Signature: 

Title: Deputy Supervisor

Print Name: Jeff Logan

Date: 9/24/15

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Deputy Supervisor Jeff Logan  
September 24, 2015  
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cc. Michael Calimano, Town of New Paltz Planning Board Chair  
Stacy Delarede, Town of New Paltz Code Enforcement Officer  
Chris Marks, Town of New Paltz Highway Superintendent  
Kelly O'Donnell, Town of New Paltz Planning Board Administrator  
Paul Rush, NYC DEP  
Todd West, NYC DEP  
Daniel Michaud, NYC DEP  
Phil Simmons, NYC DEP  
Emily Pereira, NYC DEP  
Jonathan Hoffman, NYC DEP