

Jim Campbell

From: Gaugler, Doug G (DEC) <doug.gaugler@dec.ny.gov>
Sent: Thursday, April 02, 2015 11:59 AM
To: campbell-bldgdept@townofnewburgh.org
Cc: Mike@jrs-service.com
Subject: 10 Haans Court, T/Newburgh
Attachments: 15022+SHEET+1+03-31-15.pdf

Mr. Campbell,

I am writing in reference to the above property at the request of the owner Michael DePalma. On a visit to the property on 3/30/15, I met with Mr. DePalma to inspect reported violations of NYS Environmental Conservation Law Article 24, the Freshwater Wetlands Act. These violations involved disturbances to DEC wetland NB-7 and its 100 foot adjacent area (buffer), and apparently occurred during Mr. DePalma's ownership of the property.

These violations are

- an above-ground pool with deck put up in the buffer
- a frame shed, also constructed in the buffer
- an excavated pond in the wetland, with recent mowing of the pond perimeter
- recent mowing of a previously cleared area in the wetland, with a culvert installed in a stream within the wetland

None of these activities had received the necessary DEC permits.

The Department does not issue permits for completed work, but seeks to remediate the conditions resulting from violations and/or to initiate enforcement action against owners.

In the case of the subject property, the owner's options for siting improvements to the property are highly constrained by the wetland and buffer, as well as Town code requirements. The pool/deck and storage shed do not appear to be either unreasonable or unnecessary improvements to the property. For these reasons, permits may have been issued by DEC for the pool/deck and the storage shed, if applied for. The Department's position is therefore that these improvements may remain in their current location and do not have to be modified or moved.

The other violations (pond, mowing, culvert) do not automatically meet permit issuance standards, and so must be remediated. The pond itself may remain as is, since it is said to be shallow and vegetated, which is sufficient for it to be considered part of the wetland. However, the cleared area surrounding the pond must be planted with trees and shrubs to restore the wetland in that area. Mr. DePalma has agreed to the following: replanting this area per the attached mitigation plan, with no future mowing of the area; stopping the mowing of the field to the east of the pond, with a barrier of planted trees to block off access; and the removal of the culvert and restoration of the natural stream channel.

Mr. DePalma has been cooperative with regard to resolving these violations on his property, and has already begun some of the required work. I will be following up with him in the near future to ensure that the work is completed as required.

Please let me know if you need any other information on this matter.

Douglas Gaugler
Biologist 1 – Bureau of Habitat
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561
845-256-3057
doug.gaugler@dec.ny.gov

Jim Campbell

From: Gaugler, Doug G (DEC) <doug.gaugler@dec.ny.gov>
Sent: Thursday, April 09, 2015 4:44 PM
To: campbell-bldgdept@townofnewburgh.org
Cc: Mike@jrs-service.com
Subject: 10 Haans Court

Mr. Campbell,

This is a follow up to my 4/2/15 email concerning NYS freshwater wetland law violations on the referenced property. I went to the site today and met with the owner Michael DePalma to inspect the plantings that were required to restore the wetland where disturbed, and to discourage further disturbance by mowing in the wetland area. The plantings have been installed as required, and done according to plan.

I do not anticipate any further action by DEC on this matter, assuming no new disturbances to the wetland or wetland buffer on the property.

Please let me know if any other information is needed.

Douglas Gaugler
Biologist 1 – Bureau of Habitat
NYSDEC
21 South Putt Corners Road
New Paltz, NY 12561
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doug.gaugler@dec.ny.gov