

Town of Shandaken

S.A.F.A.R.I. Meeting NOTES

Shandaken Area Flood Assessment and Remediation Initiative

October 11, 2022, 10:00 am – 12:00 pm

In-Person at AWSMP Office, Shokan, NY

Or attended Remotely: <https://meet.goto.com/186340189>

In Attendance:

In person

Peter DiSclafani, Shandaken Town Supervisor
Heidi Emrich, UC Dept of Environment
Aaron Bennett, Deputy Chief, NYCDEP
Watershed Lands & Community Planning
Beth Reichheld, Director, NYCDEP Stream
Management Program
Mark Carabetta, Principal Environmental
Scientist, SLR
Kiah Parmelee, Water Resource Scientist, SLR
Mieke Scherpbier, Project Water Resources
Engineer, SLR

Virtual

Leslie Zucker, Program Leader, AWSMP
Michael Madison, Emergency Manger, UC
Emergency Services

Town of Shandaken Updates & Discussion

- Floodplain Administrator outreach, assistance, permits, issues, etc
 - Peter reported that a few landowners have recently reached out to the Floodplain Administrator - one being for a generator, others are minor questions
- South Street rock wall installation along Esopus Creek
 - Heidi displayed a photo taken by Adam Doan showing significant fill/rock installation along the bank of Esopus Creek. Peter confirmed that Rob Stanley is aware and should be following up. Contractor was Joe Sweet. There was no floodplain development permit application submitted.
 - Is this a one-off or do we feel there is an opportunity for educating the public here? Peter hopes this is a one-time issue and doesn't see the need for public outreach.
 - The group questioned whether the work was technically done within the floodway and should the landowner/contractor have submitted a no-rise certificate. This is difficult to tell from aerial photographs, but it appears possible the work was done with the floodway bounds
 - Leslie poses the question – could this installation, or inaction from the town affect the CRS review / rating? There is some discussion around this. More research is needed.
 - Aaron cautions recent work was done on the home further West and recommends the town be vigilant about any similar earth-moving work on that site.
 - *POST MEETING FOLLOW UP: See attached email chain with guidance from the State, and response from Shandaken FPA on clarification and actions already taken.*
- CWC application for Town Hall property protection measures
 - Heidi shared that CWC voted to approve the Town's application for a feasibility study for property protection measures at the Town Hall. At time of review CWC recommended the town also not "give up" on the idea of relocation of the entire complex and encourages the town to apply for a relocation feasibility study.
 - Aaron shared the DEP's concerns (in short):
 - Should the Town Hall be properly floodproofed, it would have to meet the 500-

year base flood elevation which is something like 10 feet above ground level (as per FEMA's critical facility requirements). CWC does not require 500-year BFE levels for their funding approval, but DEP advocates for this.

- The highway garage and chemical storage are more vulnerable than anything else on the site and, if anything, the town should be focused on mitigating these risks first
- Relocation of the entire complex is still the preferred option.
- There is a brief discussion that it may not be too many years away, that the Phoenicia Elementary school may close; that site would be an ideal location.
- Aaron emphasized that a consultant will also look more closely at ideal privately-owned properties (more so than the town has, which until now, has been focused on a DEP land swap or lands already for sale).
- Beth suggests that the scope for the feasibility study should explore the option
- Mark shared that SLR did a feasibility study for relocating the "center" of Boiceville and that this too, could be a way to look at this town complex relocation?
- Aaron mentioned that that study was performed under a different CWC funding stream: Sustainable Communities Planning Program and might be a bit different than this (as it explored the whole hamlet), but it's a good reminder
- After some discussion, Peter agrees the town should apply for the relocation feasibility study as recommended. Heidi will prepare a first draft of the application in the coming weeks.
- "Rock Cut" Update
 - Peter and Heidi shared that they attended a meeting with DOT, DEP & DEC to discuss access to the lands formerly known as "Rock Cut"
 - DOT to place semi-permanent barrier at "roads" which go into the property with "no vehicular access" signage
 - DOT plans to hydroseed asap to close their SPDES permit; will also plan to plant (a couple) dozen trees
 - Heidi asked the group to place an educational sign "restoration underway," etc – but that was not within any of the entities' purview.
 - The committee discussed that at this point in the year, access to the site should be minimal.
 - Aaron recalled that he saw DOT placed a large limb in the way of the roadway into the parcel and this should prevent vehicular traffic on the DOT parcel and that DEP will still be monitoring the lands on their side of the site.
- Annual update of Shandaken Hazard Mitigation Plan
 - Shandaken updates their Hazard Mitigation Plan each November. Heidi shares with the town, a print-out of the latest update for review, in advance of the November exercise
 - There is some debate whether this exercise should be done at a SAFARI meeting or separately. *(Ultimately, the group decides to schedule on a separate date, as next months meeting will still focus on Pine Hill LFA).*

AWSMP Updates

- Leslie explained that current stream projects are on track
 - Stony Clove above Jansen Road finished on time; no delays, great year for stream restoration
- Leslie reminded the group that SMIP applications were due October 12. She had not yet seen an application from Eric for Design & Engineering at McKenley Hollow (project has a flood mitigation component)
 - Leslie will call to remind him it's due.

NYCFFBO Updates:

- 27 Station Road
 - DEP & County have agreed to prepare an easement which will grant access over the roadbed to the Town (this should solve any future questions over access).
- 17 Station Road
 - Landowner was interested in making improvements and reached out to the town. The improvements would likely lead to a "substantial improvement" requiring significant

- upgrades. The landowner was unaware there may be other options.
- Heidi spoke with the landowner who has signed initial paperwork authorizing the site assessment for the NYCF-FBO program, so the process will cautiously move forward
- Kirkpatrick
 - Aaron believes the lot line revision has been approved by the planning board, so this can move forward
- Reese
 - Expecting this to be bid out by CWC by the end of the month
- Hansen
 - Tweedie Construction Services to start demo very soon.

Ulster County Partner Updates

- No updates from Emergency Management
 - Heidi mentioned briefly the need to coordinate on Table Top Exercise options and explore new facilitation option in advance of next month's meeting.
- No updates from DPW

Implementation Project Updates

- Bridge Street Bridge Design
 - The Survey is complete, the drone flight is in post-processing and the hydraulic modelling will be done by the end of October.
 - The first public outreach meeting will be held sometime in November
 - Meeting with Phoenicia Water District was productive
 - Phoenicia floodplain enhancement will be looked at during modelling process
 - Aaron asked if landowners had been approached in connection to this project?
 - There is a brief discussion. No landowners will be approached until after design phase is complete, and more information is known.
- LOMR
 - 2D model from DOT is still not the final model – SLR is hoping the final model will be located by DOT and delivered.
 - They can use other tools, but there should be as-built CAD drawings which SLR has requested
 - Brief discussion on most-recent buy-out information: it has been furnished.

Local Flood Analysis

- Draft Pine Hill LFA Report - Review & Comment
 - The committee provided comments (section by section) of the draft report. More will need to be discussed in the following month.
 - **SCHEDULE**
 - **Meet on the next SAFARI meeting to finalize:** November 15
 - **Final Public Meeting:** November 30 @ 7pm, Community Center
 - **Town Board Meeting:** December 5

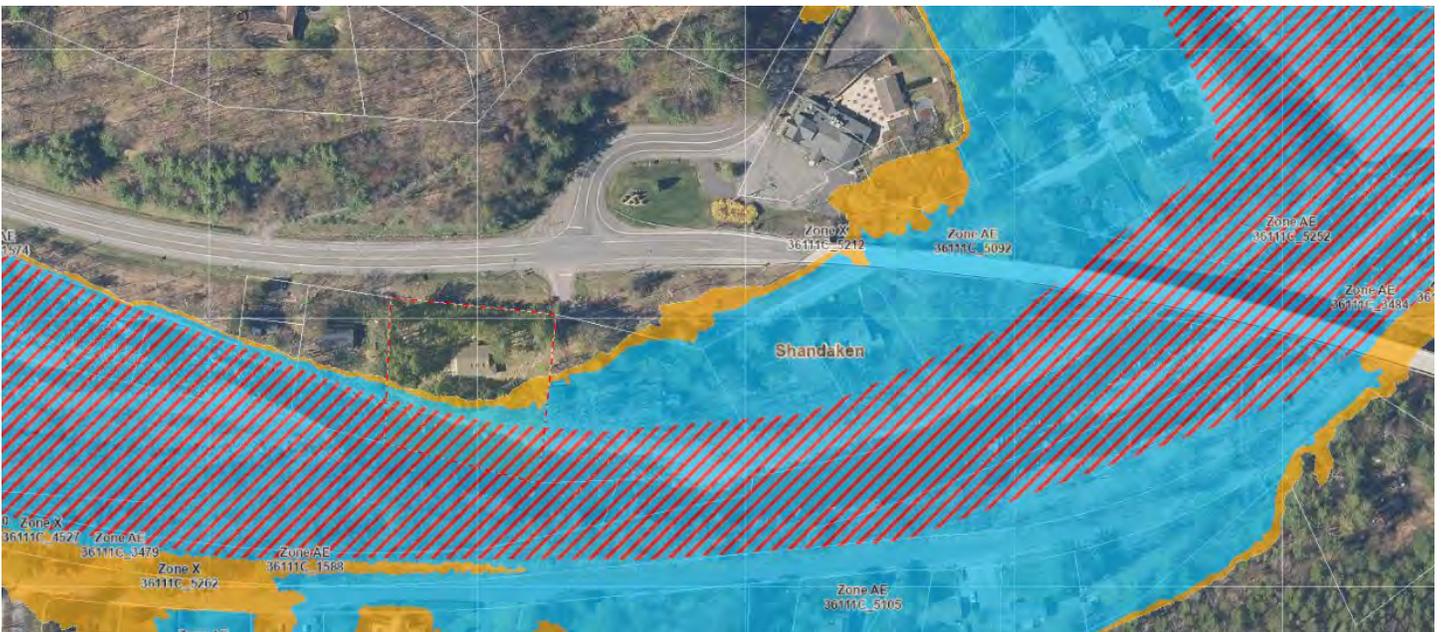
September Notes: *Approved*

Next Meeting: **WEDNESDAY 11/15/22 @ 12:30**

“Rock Cut” – Property Downstream and Adjacent to Mt. Tremper Bridge, Rte 28



South Street Property - wall installation along Esopus Creek



South Street Property - wall installation along Esopus Creek



From: stanleycfmconsult <stanleycfmconsult@gmail.com>
Sent: Thursday, October 13, 2022 5:20 PM
To: Heidi Emrich <hemr@co.ulster.ny.us>; Peter DiSclafani <supervisorshandaken@gmail.com>
Cc: Leslie A. Zucker <laz5@cornell.edu>; Adam Doan <adam.doan@ashokanstreams.org>
Subject: RE: FILL & WALL ALONG CREEK - SOUTH ROAD, PHOENICIA

All,

I am aware of this activity. I spoke to Brian Drumm who issued the DEC permit for the work in question.

Brian said it was permitted as it was actually a retraction of the embankment by a few feet. I confirmed both with the contractor and personal visual inspection.
So the work in question is actually a Floodplain benefit.

It is an allowable activity as well as being a stream bank stabilization on an albeit small turbid point on continued erosion.

I can request Brian to send the info from the DEC as they have in past, and they info they require would be sufficient to show stream benefits including Floodplain.

I will speak again with the contractor or owner to fill out an app.

Sincerely,
Rob Stanley
Shandaken FPA

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Heidi Emrich <hemr@co.ulster.ny.us>
Date: 10/13/22 10:57 AM (GMT-05:00)
To: Peter DiSclafani <supervisorshandaken@gmail.com>, stanleycfmconsult@gmail.com
Cc: "Leslie A. Zucker" <laz5@cornell.edu>, Adam Doan <adam.doan@ashokanstreams.org>
Subject: FILL & WALL ALONG CREEK - SOUTH ROAD, PHOENICIA

Peter and Rob,

After Tuesday's conversation about the South Road parcel (attached) on the installation of rock and fill along the creek, I followed up with the Floodplain Manager at DEC and Bill Nechaman, CFM at NYFSMA (nyfloods.org) to seek their guidance on the situation. Both gave similar advice- and Bailey's email from the DEC is really very thorough (*see email below*).

The short of it is (and maybe Rob is already doing this), the town should consider working with the landowner to submit a floodplain development permit application and a more careful look should be made to see if they have infringed on the floodway at all. If so, the town should request a no-rise analysis, or consider making the homeowner aware of the ramifications of non-compliance.

From Bill:

Because this is unpermitted work in the floodplain, the town is within its legal rights to order it removed. A negotiating approach could be to require a permit after the fact but the permit be conditioned on a floodway no rise analysis and an engineering finding the this will not increase flood risk to other properties.

Floodway violations are considered serious and the CAV would probably note it in its report.

Bill Nechamen

Nechamen Consulting, LLC

518-707-6516

If I can do anything more to help or get any more information, please let me know.

Heidi May Emrich, CFM

Environmental Planner

Ulster County Department of the Environment

17 Pearl Street, Kingston, NY | 845-340-3522

Ashokan Watershed Stream Management Program

3130 State Rte 28, Shokan, NY | 845-688-3047 x109

hemr@co.ulster.ny.us

From: Sawyer, Bailey A (DEC) <Bailey.Sawyer@dec.ny.gov>
Sent: Wednesday, October 12, 2022 4:12 PM
To: Heidi Emrich <hemr@co.ulster.ny.us>
Cc: Higgins-Roche, Kelli A (DEC) <kelli.higgins-roche@dec.ny.gov>
Subject: RE: NFIP/CRS/CAV - Technical Question

Hi Heidi,

Thank you for reaching out.

Unfortunately it is possible for violations such as this one to show up unexpectedly. It is important that the community works with the property owner to remedy the violation to the maximum extent possible. During a CAV, FEMA or DEC staff could notice potential violations or program deficiencies but will work with the town to remedy these issues, though the town has the responsibility of implementing the program and enforcing NFIP requirements. When the town is made aware of a violation (during a CAV or otherwise), it is expected that the town will move quickly to correct the violation to the maximum extent possible.

To remain at a CRS level 9 or better, a community must be in full compliance with minimum NFIP standards. This includes working towards remedying active violations. So although this situation will likely take time to resolve, it is important for the town to take action. If not, the community could eventually be retrograded to CRS class 10 and the insurance premium discount would no longer be in effect. Further enforcement actions could result if the community is not successfully implementing the NFIP or property owners are non-compliant.

As far as next steps for the possible floodway violation, we would first recommend contacting the property owner regarding the work that they did. Development within the floodway is not encouraged and requires a property owner to obtain a no-rise analysis from an engineer, indicating that the activity within the floodway will not cause a rise in floodwaters of more than 0.00 ft. As you mentioned, a floodplain development permit is also necessary for the property owner to apply for prior to development in the SFHA. If necessary, providing the owner with this information and possible ramifications of non-compliance with the NFIP regulations can be a starting point to remedying the violation. If the work is in fact in the floodway, a no-rise analysis should take place. If the no rise shows 0.00 ft of rise and all other work is permissible, then the community can issue an after-the-fact floodplain permit. But if the analysis does show a rise, the property owner must mitigate the rise or go through the LOMR process (depending on the increase).

Hopefully I was able to provide some assistance but feel free to reach out with any additional questions.

Thank you,
Bailey

Bailey Sawyer (*she/her*)

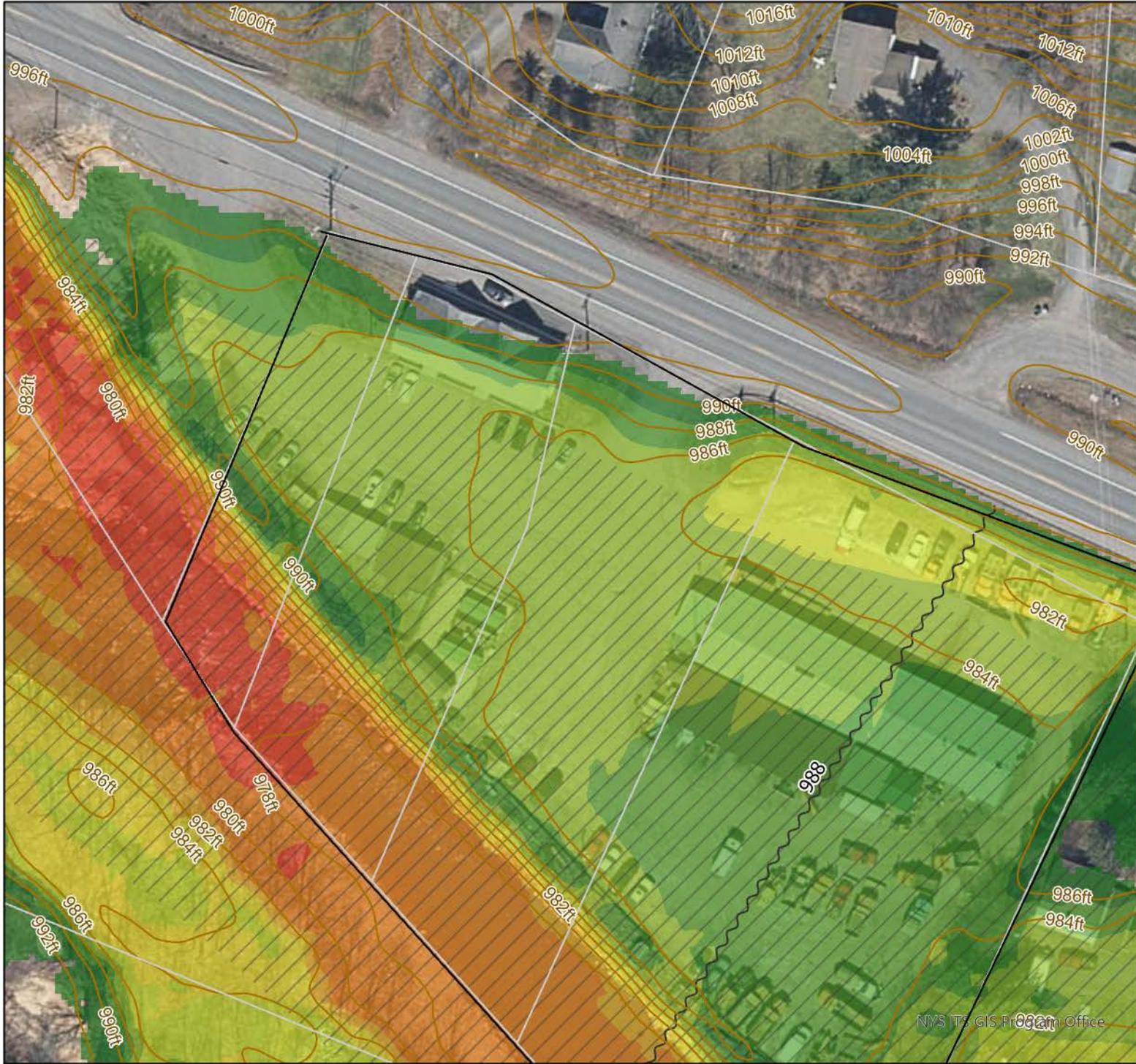
Environmental Program Specialist, Floodplain Management
Bureau of Flood Protection and Dam Safety
Division of Water

New York State Department of Environmental Conservation

625 Broadway, Albany, NY 12233-3504

P: 518-402-9148 | bailey.sawyer@dec.ny.gov

Town of Shandaken Town Hall & Highway Garage Critical Facility Complex



NYS ITS GIS Program Office

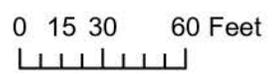
Legend

- Ulster County Tax Parcels
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- 2ft Contours
- 2ft Contours
- Base Flood Elevation
- ~ Base Flood Elevation

- FEMA 2017 FIRM
- 1% Annual Chance Flood Hazard
- 0.2% Annual Chance Flood Hazard
- /// FLOODWAY

- 100-Year Flood Depth Grid Value
- 0.001 - 2
- 2.001 - 4
- 4.001 - 6
- 6.001 - 8

- 8.001 - 10
- 10.001 - 12
- 12.001 - 15
- 15.001 - 25
- 2021 Orthoimagery Boundary
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Lands of Ernest Fudge – Candidate for the FBO Program?



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