

**TOWN OF RED HOOK  
CONSERVATION ADVISORY COUNCIL**

Minutes of meeting  
November 12, 2008

Members present: Chairwoman Brenda Cagle, Susan Ellis, Denise Barton, Laurie Husted, Ann Rubin, Zoie Riel, Mike Ignatowski

Guests: Councilwoman Micki Strawinski, speakers Pat Courtney Strong of Mid Hudson Energy Smart Communities (NYSERDA), Rick Derikart of Northeast Conservation Services Group and Steve Cornacchini, architect and builder

Chairwoman Brenda Cagle called the CAC meeting to order at 6:05 P.M.

**FALLING THROUGH THE CRACKS: THE SCIENCE AND POLICY CHALLENGES OF PRESERVING SMALL WETLANDS IN THE HUDSON VALLEY:** Susan Ellis reported on the conference held on October 28, 2008 at Norrie Point Environmental Center. The program was sponsored by the Hudson River Environmental Society, and Susan Ellis suggested that the CAC consider membership to support their research and educational efforts.

Fran Dunwell of the Hudson River Estuary Program spoke of its mission to implement programs to achieve preservation of the estuary system. She noted that they can help towns with regulations and programs.

Willie Janeway, Director of Region 3 of the New York State Department of Environmental Conservation (DEC) reported that the DEC is updating wetlands maps for the Town of Wallkill to add smaller wetlands and will identify important smaller wetlands. (Lack of adequate mapping is one impediment to local protection of smaller wetlands not regulated by the DEC.)

SUNY-ESF Syracuse professor James Gibbs discussed the science of small wetlands. Many in the Hudson Valley are glacial kettle hole wetlands formed by the melting of blocks of ice left by the glaciers. Professor Gibbs added that these wetlands may be called vernal pools, ephemeral pools, temporary wetlands or autumnal wetlands. All have the characteristic of limited periods of surface water and lack of hydrological connection to allow fish life, making them important habitat for breeding of amphibians and fairy shrimp. The hydrology is dynamic, and the timing and amount of rainfall have a great impact on the survival of amphibians. There are 4 different hydroperiods – short cycle spring filling, long cycle spring filling, short cycle fall filling and long cycle fall filling, each providing a different ecological niche. They are often quite acidic, allowing unique combinations of flora and fauna. Though small in size, these wetlands are large in number, making up about 1/5 to 1/4 of the aggregate wetland area of the region.

Concerns for the viability of these small wetlands are that alterations of the water table by withdrawal of groundwater for public and private wells may draw down vernal pools prematurely, and implications of climate change may have large impacts. Wetland/upland interactions are important for import and export of nutrients, meaning that there is a need for adequate buffer zones. Professor Gibbs recommended forest management to maintain forests in a mature state of native species. There should be no disturbance of the vernal pools; a 100' average buffer of no

development and a network of interconnections so that systems can maintain themselves. If separated by more than 1 kilometer, wetlands lose habitat connection.

Jon Kusler of the Association of Wetland Managers discussed impacts of climate change. He noted that rising sea levels would cause an increased need for hydrologic manipulation, such as dams, levees and drainage measures. Impacts on wetlands could be a drying out or destruction of small wetlands, change of one wetland type to another, damage to flora and fauna, as well as northern migration of species due to temperature changes. He noted that forested wetlands are very sensitive to water level changes. His recommendations include: identifying small wetlands at greatest risk with temperature sensitivity, better regulating wetlands and associated buffers, restoring degraded wetlands, improved water control structures, restoring connectivity and wildlife corridors, controlling invasive species and creating “carbon banks.

David VanLuven of the Nature Conservancy spoke of the Rising Waters Project, which would highlight all the interests to be affected by climate change, find solutions that will protect people and the environment, and build necessary political status and government support. He noted that over the next 30 to 50 years, the Hudson Valley would likely have the same amount of rainfall, but that it would come as fewer, more intense events leading to flooding. There needs to be a revision in thought of climate change from an environmental problem to a political, social and economic problem.

John Connell of the Army Corps of Engineers and Tim Post of DEC Freshwater Wetlands Program described the differences and similarities between their delineation and jurisdiction of wetlands. Tim Post noted that as a 10 year trend, New York State has lost 22,000 acres of wetlands, but gained 37,000 acres of wetlands, though the gain may mostly reflect improvements in delineation.

Drayton Grant of Rhinebeck discussed options for local regulation of wetlands, recommending that first a town should look at what resolution was passed in the 1970’s when the State required towns to address the issue. Susan Ellis noted that what Red Hook passed as a resolution was a statement that the Town would pass a wetlands law at such time as the State had adopted a viable wetlands map. Another issue addressed by Drayton Grant is that the takings issue has frequently come up in wetlands regulation, but she noted that once the mapping process is in place, the takings issue will usually not prevail. She suggested consideration of a purchase program. She added the importance of clear standards, meaningful public participation with comments from the CAC well before public hearings on regulations or projects. It is important to consider effects on local builders, and perhaps address general permits. The key to success of a wetlands regulation process is to have a good paid wetlands inspector or consultant, and training for the Planning Board.

Representatives from the Towns of Lewisboro, New Paltz and Woodstock described their experiences with proposing and/or administering wetlands regulations. They echoed the need for having good legal advice, the right inspector, and consideration of general permits for recurring or emergency activities.

Ann Rubin suggested that any consideration of wetlands regulation use performance or standards based language, rather than prescriptive “you may or may not do this” language. She referenced Randall Arendt’s writing on Conservation Subdivisions.

**NEW HIGHWAY GARAGE PROPOSAL:** Brenda Cagle reported that she spoke with Highway Superintendent Wayne Hildenbrand about shared services. Wayne has called the Department of

Transportation (DOT), who answered that they did not feel that they could share a salt shed, as they use a different salt mixture. Brenda added that the Town of Livingston is sharing with Columbia County. Supervisor Sue Crane worked with Wayne to send a follow-up letter to the DOT.

**ENERGY STAR BUILDERS' FORUM:** Laurie Husted introduced the speakers for the Energy Star Builders' Forum – Pat Courtney Strong, the Mid Hudson Energy Smart Communities Coordinator for NYSERDA (New York State Research and Development Authority), Rick Derikart, representing the program for the Northeast Conservation Services Group, a liaison between builders and HERS raters, and Steve Cornacchini, an architect and Energy Star builder. The focus of the program was to discuss the advantages of building to Energy Star standards, and the programs available to assist builders.

Pat Courtney Strong described the programs available through NYSERDA, including low cost loans, grant assistance and training in Energy Star construction, including certification of Home Energy System Raters (HERS). The programs are funded through the Systems Benefit Charge on all New York State electric bills. The State wants to achieve a 15% reduction in energy use by the year 2015, and also increase renewable energy use by 30%.

Rick Derikart noted that Energy Star homes need to be air sealed and tight, which requires a means of mechanical ventilation. Qualifying for Energy Star status can be done by a combination of energy saving measures, such as extra insulation and using more efficient heating units and appliances.

Steve Cornacchini has designed and built to Energy Star standards, and has HERS certification. He reiterated the need for ventilation when building airtight structures, and noted that if the air exchange is determined, the heating system may be downsized. The State retests homes and would like to test 15% a year with third party verification. In Steve's opinion, blown cellulose (which is itself a renewable material) will replace fiberglass for insulation. Spray foam can compete in energy efficiency, but has a lot of waste. A true Energy star home will be 50% more efficient for heating and cooling, but 70% of that reduction in energy use must come from the heating "envelope" in order to qualify for Federal tax credits.

Councilman elect Robert McKeon asked the speakers if they favored legislation to assure building to Energy Star standards. Pat Courtney Strong answered that NYSERDA is generally not in favor of legislation, but prefers incentives to provide the motivation. She noted that the Town of Greenburgh decided in 2002 to mandate Energy Star construction anyway, and has been very pleased with the response. Also, Pat noted that 10 towns on Long Island have regulations. Pat cautioned, however, that if towns legislate Energy Star construction, incentives are no longer available.

Brenda Cagle thanked Laurie Husted and the presenters for an informative program.

The meeting was adjourned at 9:05 P.

NEXT MEETING: Wednesday, December 10, 2008 at 7 P.M. at the Town Hall

Respectfully submitted

Susan H. Ellis, Secretary