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In coming issues . . .

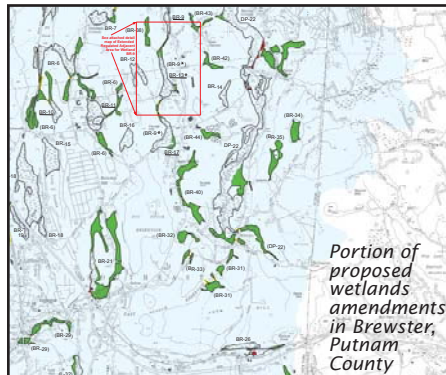
A bigger and better bottle bill

Jeffrey Jones's personal account of
Hurricane Katrina

PCB contamination in caulk

NYSDEC Proposes Amendments to Putnam and Dutchess Freshwater Wetlands Maps

On August 15, landowners in Putnam and Dutchess Counties were notified by the New York State Department of Environmental Conservation (NYSDEC) that the agency is in the process of remapping wetlands in their counties pursuant to the State's existing Article 24 Freshwater Wetlands Act. A similar map amendment initiative was com-



Portion of proposed wetlands amendments in Brewster, Putnam County

pleted within Westchester County in 2004. The Act regulates wetlands 12.4 acres or greater in size and certain smaller wetlands identified as of unusual local importance. A 100-foot buffer area around mapped wetlands is also required. When a wetland is shown on the official Article 24 Freshwater Wetland Maps it is considered to be regulated under the Act.

To help citizens know where protected wetlands are located, the Act requires NYSDEC to map the approximate location of regulated wetlands and to make maps available for inspection at local clerks' offices, county government offices and NYSDEC regional offices. NYSDEC filed final Freshwater Wetlands Maps with local government clerks for Putnam County in 1984 and for Dutchess County in 1987. Having subsequently identified a number of required changes on the maps, NYSDEC is now proposing amendments to Putnam County Maps 1-11 of 11 and Dutchess County Maps 18-20 of 22. Maps showing the proposed amendments are available at the County, Town, City and Village Clerks' Offices in areas affected by the amendments, at public libraries, and at the NYSDEC Regional Office at 21 South Putt Corners Road, New Paltz, Ulster County.

The geographic extent of the proposed map amendment, which identifies 121 additional wetlands, includes areas inside and outside the New York City Watershed within Putnam County and that portion of Dutchess County that falls within the New York City Watershed. Within the New York City Watershed portion of Putnam and Dutchess counties, approximately 4,520 acres of wetlands were added; an additional 1,400 acres of wetlands were added outside the Watershed in Putnam County. An additional 5,920 acres of wetlands will now appear on the Article 24 Freshwater Wetland Act Regulatory Maps.

Landowners have been given an identification code for any wetlands located on or adjacent to their properties, to be used as a reference when questioning NYSDEC about the wetlands and proposed amendments. The wetlands map amendments consist of additions, deletions, boundary changes, wetlands identification changes, classification changes, and modifications to the regulated adjacent area beyond 100 feet.

To help citizens understand the Freshwater Wetlands Act and to review the maps with NYSDEC staff, NYSDEC held public informational meetings in mid-September. The meetings were followed by a public hearing to accept public comment on the accuracy of the maps. Written comments on the accuracy of the proposed amendments can be submitted through September 28.

It should be noted that the maps show only the approximate location of the actual wetland boundaries and are not intended to represent legal land survey boundaries. Nor should the maps be used to identify wetlands subject to jurisdiction by the U.S. Army Corp of Engineers. (Under Section 404 of the Clean Water Act, wetlands and other waters of the United States are also protected by the Army Corps of Engineers and the U.S. Environmental Protection Agency. Municipalities may also regulate wetlands under local municipal law.) To show their proximity to mapped features, the wetland boundaries have been shown on the

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NAHB Forecasts New-Home Construction at 2 Million Units

Last year was a record year for new home construction, at 1,955,800 units as reported by the National Association of Home Builders. NAHB further reports that the housing market continues to be strong, with a strong performance in the second quarter and a robust beginning to the third quarter. Total housing starts in June held firm at a 2.004 million pace. The housing production component of GDP (residential fixed investment) grew at a 9.8% pace, slightly above the first-quarter rate.

In June, sales of existing single-family homes and condo/co-op units both hit new records on a national basis, and sales were a record 1.37 million units in the new-home market. Home price appreciation also continued to strengthen, with rapid appreciation in the existing-home market during the second quarter. Prices of both single-family homes and condo/co-op units were up by about 15% in June on a year-over-year basis. The median price of new homes sold in June was down a bit from a year earlier, but according to NAHB the decline reflected shifts in the regional composition of sales and in the mix of home sales by price range rather than builders cutting prices to maintain sales volume.

Despite record home sales, however, the national homeownership rate has declined recently while vacancy rates for rental apartments have fallen significantly, which NAHB sees as early signs of fundamental adjustments to the volume and composition of housing market activity. While healthy employment growth is fueling the strong growth in rentals, the rapid rates of house appreciation are making home ownership less affordable, especially in the high-priced Northeast and West regions. There is also a historically high vacancy rate for single-family homes, suggesting that a significant number of recent sales have gone to investors that are holding units vacant before reselling them in pursuit of capital gains.

With these factors in play, NAHB expects some erosion of home sales and single-family housing starts, with the upper price ranges likely to be the most affected, along with a slowdown in house price appreciation, before year-end. A "soft landing" is anticipated for the housing sector in 2006, to be followed by an extended period of housing production around NAHB's long-term forecast level: an annual average of about 2 million units including manufactured homes.

NAHB's predicted leveling off for the foreseeable future may indicate that the pace of construction of new homes is becoming a long-distance run after a hard sprint rather than a slowing down to a fast jog or a walk. There's no telling how long it will continue, but as reported in our July issue, a recent study by the Brookings Institution showed that by 2030, the U.S. will need 44% more built space than existed in 2000. Moreover, the largest component of the space required is anticipated to be new homes. NAHB's long-term forecast of 2 million units a year correlates very well with the Brookings estimate.

According to the Brookings study, in the Northeast, less than 50 percent of 2030's required space existed in 2000, and nearly a third of that is expected to be new residential construction. Even with this more modest growth, we can expect the pace of new home construction to hold in our region for the foreseeable future.

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NYSDEC *continued from page 1*

most recent version of the New York State Department of Transportation (NYS DOT) 7-1/2" quadrangle map.

Regulations implementing the Freshwater Wetlands Act (6 NYCRR Part 664) state that once the announcement of a proposed amendment has been made, no activity subject to regulation under the Act may be initiated without a permit from NYSDEC within the area that is the subject of the proposal (including the 100 foot wetland adjacent area) until the Commissioner has either amended the map or denied the amendment. Landowners have been advised that the notification sent to them by NYSDEC, along with the public notice and the map filing, has provided the notice required by Part 664. They have been further advised to contact the NYSDEC regional office in New Paltz regarding any prospective projects that might be in or near the wetlands on their properties.

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The Freshwater Wetlands Act regulates certain activities that might adversely affect wetlands, while other activities are specifically exempt, as shown in the following list:

Regulated Activities

Filling, including for agricultural purposes
Draining and altering water levels, except as part of an agricultural activity
Removing or breaching beaver dams
Clear-cutting trees and other wetland vegetation
Grading, dredging or mining
Constructing roads
Drilling a water well to serve an individual residence
Installing docks, piers, or wharfs
Constructing bulkheads, dikes or dams

Constructing a residence or related structures or facilities
Constructing commercial or industrial facilities, public buildings, or related structures
Installing utility services
Applying pesticides

Exempt Activities

Conducting normal agricultural activities, except filling
Conducting recreational activities such as fishing, boating, hiking, camping and picnicking
Continuing lawfully existing land uses
Routinely maintaining existing structures or buildings
Selectively cutting trees and harvesting firewood, but not clear-cutting trees or wetland vegetation

FEMA: PRE-DISASTER FUNDING FOR HAZARD MITIGATION

Contrary to any impressions that may have been gained immediately post-Katrina, the Federal Emergency Management Agency (FEMA) is taking a more proactive approach these days to dealing with disaster. With a new federal focus over the past several years not only on recovery but prevention, FEMA is helping communities develop and obtain pre-disaster funding for hazard mitigation planning and implementation.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) establishes the basis for Federal assistance to State and local governments affected by a significant disaster or emergency. FEMA is primarily responsible for administering such assistance. The Stafford Act not only provides funding for post-disaster recovery, but it also provides funding for cost-effective hazard mitigation projects. Hazard mitigation includes any action taken to reduce or eliminate the risk to people and property from hazards and their effects before the disaster occurs. Examples of mitigation activities include, but are not limited to, seismic strengthening of critical buildings and infrastructure, relocation of buildings from flood areas, installing shutters on windows in hurricane areas, and building "tornado safe rooms" in houses.

Post-disaster funding is available from the Hazard Mitigation Grant Program (HMGP) authorized under the Stafford Act. Administered by FEMA and other agencies, HMGP provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration on the part of the President. The purpose of the program is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery period after a disastrous event.

The Disaster Mitigation Act of 2000 amended the Stafford Act to provide pre-disaster funding, through increased HMGP funding to states and municipalities that have a FEMA-approved mitigation plan in effect at the time of a disaster declaration and a Pre-Disaster Mitigation (PDM) Program. The Act authorizes the President to provide grants to state and local governments for pre-disaster mitigation activities, to delineate criteria to be used in awarding such grants, and to define mitigation planning requirements.

Additional pre-disaster funding became available to state and local governments (including Indian tribal governments) when the PDM Program was reauthorized in 2003. The PDM Program provides funding for cost-effective hazard

mitigation activities that complement comprehensive mitigation programs and reduce injuries, loss of life, and damage and destruction of property. Among its opportunities are those available to MS4s (municipalities that operate small municipal separate stormwater systems) that must create a Stormwater Management Program under the requirements of NYSDEC's Stormwater Phase II permit.

Under the 2006 PDM program, which has a January 17, 2006 deadline for submitting grant applications to FEMA, up to \$150 million may be available for competitive grants, technical assistance and program support.

To apply for pre-disaster funding under either HMGP or the PDM grant program, states and municipalities must have developed and actually adopted their hazard mitigation plans before sending them to FEMA for final approval. To date in New York State, which has an approved mitigation plan, Sullivan and Monroe counties have completed and adopted multi-jurisdictional plans, and Ulster and Orange counties have plans under way.

Adoption of the hazard mitigation plan is necessary, according to FEMA, because it (1) lends authority to the plan to serve as a guiding document for all local and state government officials; (2) provides legal status to the plan in the event it is challenged in court; (3) certifies to program and grant administrators that the plan's recommendations have been properly considered and approved by the governing authority and the jurisdiction's citizens; and (4) helps ensure the continuation of mitigation programs and policies.

FEMA also states that developing a hazard mitigation plan is time consuming but well worth doing, since the costs of preventing disasters are considerably less than those of recovering from them, and state and federal aid is usually not enough to cover all damages. In addition, by lessening the impact of disasters, hazard mitigation planning reduces risk to the overall population and structures, reduces reliance on funding from actual disaster declarations, and speeds response and recovery times. Although some governments have taken several years to develop a plan, FEMA estimates that by following its sample plan and guidelines a smaller municipality could get the job done in six months, with six participants putting in a total of 750 hours.

The four phases of the hazard mitigation planning process are to organize resources; assess the risks; develop a mitigation plan; and implement and monitor progress.



Hazard mitigation planning speeds response and recovery times.

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Q & A with John Folchetti

Q: If the proposed amendments are made to the Freshwater Wetlands Maps in Dutchess and Putnam counties (see story on p.1), what will be the effect on development?

A: The effect would be to further increase costs for developers. With the current rapid pace of growth in these counties, the amount of land available for development is decreasing even without the addition of more wetlands. If they are added, developers will face not only a rise in prices but new restraints on land and increased regulatory oversight. Developers wishing

to express their views still have until September 28 to submit written comments to NYSDEC, which must take all comments into account before proceeding further.

Q: What effect would the map amendments have on municipalities?

A: Those municipalities that do not have local wetlands regulations will need to have the new maps in their database so that they know exactly where potential new development will be located. Those that do have regulations should cross-reference the new maps with their existing local wetlands database to ensure proper regulatory oversight. They might also wish to submit a written comment to NYSDEC asking who gets jurisdiction over the new wetlands if the amendments pass, the municipality or NYSDEC.

Q: Will there be a slowdown in home price appreciation, as predicted by the National Association of Home Builders, in our region?

A: If supply is to keep pace with demand and the regulatory community removes land from the development pool, I don't see how prices in the region can come down, regardless of other downward pressures. As long as the demand for houses continues and the available land supply dwindles in the face of increased or sustained demand, prices can go only one way.

Please give us your suggestions for future Q & A topics and future articles, by emailing them to john.folchetti@jrfa.com.

FEMA *continued from page 3*

In the first phase, communities need to assess community support, build a planning team, which can include community leaders, representatives of local government agencies, business owners and interested citizens, secure political support, and engage the public.

The second phase, risk assessment, involves measuring the potential loss of life, personal injury, economic injury, and property damage resulting primarily from natural disaster. Natural and manmade hazards must be identified, evaluated and damage loss estimates prepared. Some hazards such as floods will be profiled by mapping their geographic extent because they occur in predictable areas. Natural hazards that FEMA considers include, but are not limited to, earthquakes, extreme heat, fires, floods, hurricanes, landslides, thunderstorms, tornadoes, tsunamis, volcanoes, wildfires, and windstorms. Manmade hazards can involve dam safety, nuclear accidents and terrorism.

In the third phase, developing a mitigation plan, the community must establish goals to be achieved, in accordance with the hazards researched in the second phase, objectives or strategies by which to attain the goals, and specific mitigation actions to help achieve the goals and objectives. Mitigation actions can be grouped into six categories: prevention, property protection, public education and awareness, natural resources protection, emergency services, and structural projects. The next steps are to prepare an implementation strategy and document the mitigation process in a written plan document.

In the fourth phase, the mitigation plan is adopted, plan recommendations are implemented and planning results are evaluated. The Disaster Mitigation Act of 2000 requires communities to evaluate their hazard mitigation plan at least every five years and to document how this is done in the plan. The final step is to revise the plan as needed after periodic review.

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THE FUNDING CALENDAR

Grant Name	Funding Agency	Eligible	Deadline	Goals
Barns Restoration and Preservation Grant Program	New York State Parks, Recreation and Historic Preservation	Any Person Interested in the Restoration of a Barn, Shed, Silo, Agricultural Structure in Need of Repair and at Least 50 Years Old	Not Determined	Restoration and Preservation of Barns and Related Agricultural Buildings in New York. a) Contribute to a Scenic Landscape of Agricultural Setting b) Contribute to the Character of its Surroundings c) Visible to the Public
Tiffany & Co. Environmental Program	The Tiffany and Co. Foundation	Not-for-Profit	November 15, 2005	Responsible Mining Coral Reef Conservation Land Protection
Local Government Records Management Improvement Fund	New York State Education Department	Local Governments, Municipalities, Fire Districts, School Districts, Boards of Cooperative Educational Services	December 1, 2005	Records Management: a) Inventory and Planning b) Active Records c) Inactive Records d) Historical Records e) Educational Uses of Local Government Records

*For more information on programs mentioned in our newsletter, please refer to our website, www.jrfa.com
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