from 7/21/21 Planning Board Submission

Sterling Environmental Hydrogeological Narrative

What are impacts to water resources?

The proposed use would allow the excavation of aggregate material in a 35-acre for creation of a conservation area of woodland, meadow, and approximately 20-acre aquatic habitat consisting of open water (pond) and shallow wetland areas. The proposed use will allow the removal of material below the top of groundwater to the depth of bedrock or to the depth permitted by the Applicant's machinery.

What are impacts to groundwater resources?

Physical setting is very similar -if not identical - to the existing excavation south of Woodstock Road and east of Route 82 (i.e., Route 82 Sand and Gravel).

The majority of adjacent lands are Controlled by Owner.

The Planning Board has previously determined that the operation of the nearby Route 82 Sand and Gravel facility, over many years, has been largely without incident or complaint from neighboring landowners and the Applicant has been in compliance with all prior conditions instituted by the Town ***<<confirmed with Pat Whiteley, Superintendent>>***.

There have been no reports or complaints that ongoing operations by Route 82 Sand and Gravel, including use of their onsite water wells, have adversely affected water levels in wells from adjacent properties during periods of normal or high use. In addition, onsite water wells at the Mailman property will not be utilized in support of the proposed onsite operation or to provide onsite processing.

Additionally, the NYSDEC, as the agency with the expertise and sole jurisdiction to assess the potential impact of that project on water resources has determined that, although the project has been found to **not** have a significant adverse effect on the environment, the Applicant will be required to conduct groundwater monitoring and to periodically report on changes in groundwater levels and directions of flow to ensure that the project would not result in diminution of quality or quantity of groundwater supplies to neighboring properties.

A water budget of the nearby Route 82 site demonstrates that the volume of annual recharge greatly exceeds the water equivalent of the extracted excavated material. Therefore, a diminishment of the water table is not anticipated. The water elevations of the pond can be carefully monitored by direct observation over the life-of-excavation to verify the operations are not adversely affecting the aquifer.

Local recharge to the sand and gravel aquifer, and potentially to the bedrock aquifer, may be enhanced by creation of an open waterbody. No dewatering will occur during the excavation into the water table.

What are impacts to surface water resources?

Exhibit 1

Potential impacts to the identified emergent marsh wetlands and onsite stream are considered negligible because the proposed deep excavation will not involve dewatering and no water will be discharged from the project area.

Provided below is the Water Resources Narrative from STERLING's MODIFICATION APPLICATION FOR PERMIT TO MINE (pages 16 to 19, July 31, 2019)

4.4 Groundwater

4.4.1 Project Area Conditions

HydroEnvironmental Solutions, Inc. (HSI) previously conducted an evaluation in September and October 2007 for the project area to estimate the sand and gravel volumes above and below the groundwater table. Eight (8) test borings and three (3) monitoring wells screened in sand and gravel were installed within the project area. Findings are summarized in the Supplemental Report of Resource Exploration (Report) by HSI (August 2008). Test boring and monitoring well locations are shown on Figure 4 and Plate 3.

STERLING collected additional geological and hydrogeologic data between March and June 2015 for the proposed permit modification area and Route 82 mine site to further estimate the sand and gravel volumes above and below the groundwater table and assess hydrogeologic conditions at the project area. Three (3) test borings were drilled in the northern portion of Phase B (northern section of existing permitted mine, above the water table). The borings were converted into overburden piezometers, screened in sand and gravel. Soil boring and overburden piezometer locations are provided in Appendix H and shown on Figure 4 and Plate 3.

Based on auger refusal depths recorded in the boring logs, depth to bedrock within the permitted mine and project area ranges from 22 feet at TB-1 to 70.4 feet at PZ-15-1. The top of bedrock elevation slopes to the west and northwest with highs noted along the eastern portion of the mine at PZ-15-1 [306.13 feet amsl] and TB-9 [293.41 feet amsl] and lows along the western edge of the mine at TB-3 [255.94 feet amsl], TB-6 [256.24 feet amsl], and PZ-15-3 [268.89 feet amsl]. The thickness of glacial till, which overlies the shale bedrock at the mine, is variable and ranges from one (1) foot at TB-8 and TB-9 to 17.4 feet at PZ-15-1. The glacial till is best described as a very dense to hard, poorly sorted diamict of gray to brownish gray fine sand with some clayey silt, some medium to fine gravel with occasional to frequent black shale rock fragments. The glacial till is not mined as a significant aggregate source at the mine. The overlying thick seams of moderately sorted to well sorted brown sand and sand and gravel are mined at the site and serve as an important aggregate source for the region.

Depth to groundwater below grade ranged from 13.18 feet below grade at MW-5 to 45.55 feet below grade at PZ-15-2, based on water levels measured in early June 2015. Additional groundwater levels collected at various times from April to June 2015 were compared to historical water level data (September 2007 and November 2009) collected at the site from existing

monitoring wells MW-2, MW-4, and MW-5 (Table 1). Groundwater elevations range from 313.56 feet amsl (MW-5) on July 10, 2008 to 298.88 feet amsl (PZ-15-3) on April 2, 2015.

The general groundwater flow direction in the sand and gravel unit is to the northwest, towards the Wappinger Creek valley (Plate 5). Groundwater flow direction in the bedrock aquifer is also to the northwest, based on regional topography. The conceptual hydrogeologic model is consistent with previous characterizations provided by HSI.

A portion of the mine property is located over a principal aquifer, as determined from mapping available from the NYSDEC. A principal aquifer is defined as a highly productive aquifer, or where the geology suggests abundant potential water supply; however, it is not intensively used as a source of water supply by major municipal systems at the present time.

4.4.2 Aquifer Characteristics

In-situ permeability tests (slug tests) were previously performed on monitoring wells at the site to determine the rate of groundwater flow of the sand and gravel unit proximate to each monitoring well. Slug tests are performed by either raising or lowering the static water level in a well and measuring the change in water level over time as it returns to equilibrium. In this case, a sand filled, sealed PVC pipe (slug) with an approximate volume of 0.04 cubic foot was inserted in each monitoring well casing to artificially increase the water table, and once the water table stabilized, was quickly removed to allow the water table to decrease to equilibrium a second time. Water levels were automatically recorded by a transducer data logger that was inserted into each well prior to inserting the slug. The changes in water level data following removal of the slug were plotted over time.

The slug test data and plotted drawdown data were previously provided to the NYSDEC. Hydraulic conductivity (k) values were calculated using the Hvorslev method. K values provide an estimate of the rate at which water can move through the sand and gravel aquifer. The average k value for data collected from monitoring wells MW-2, MW-4, and MW-5 is 69 feet per day, which is a typical k value for fine to coarse sand (Driscoll, 1986).

Transmissivity (T), which is the rate at which water is transmitted through a unit width of aquifer, is determined by multiplying k by the saturated thickness of the sand and gravel aquifer. The saturated thickness of the unconsolidated aquifer as it relates to the proposed modification ranges from approximately 20 to 25 feet. Based on the historical average groundwater elevation of 306 feet amsl, the average saturated thickness of the aquifer in the project area is 29.7 feet. The T value for the project area is 2,049.3 ft^2/day. Storativity is the volume of water that an aquifer will absorb or expel from storage per unit surface area per unit change in head and is a dimensionless value. According to published references, storativity of unconfined aquifers ranges from 0.02 to 0.30. Storativity values from the slug test data were determined by matching type curves for slug tests in a well of finite diameter (Fetter, 1988). Storativity (S) values ranged from 0.1 for MW-2 data to $1x10^{-5}$ for MW-4. The S value for MW-4 does not fall in the typical S range for unconfined aquifers.

Porosity is the percent of void space within rock or soil. The descriptions of stratigraphic units in the project area consist of sand and gravel units with varying grain sizes that overlie glacial till. Typical porosity values for the sand and gravel units range from 20% to 50%. Typical porosity values for the glacial till unit range from 10% to 20% (Fetter, 1988).

4.4.3 Estimated Water Budget for Project Area

As mining operations extend below the water table, an average of 70,000 cubic yards of unconsolidated material is expected to be extracted annually. Removing this volume of material from the saturated zone will result in the aquifer replacing the volume of earth material removed. This volume of material at a porosity of 0.3 results in an equivalent water volume of 1,323,000 cubic feet (ft^3) needed to be replaced from the aquifer annually.

The water table aquifer at the project area is supported by a drainage area of approximately 143 acres that drains to the mine floor. Considering an average annual precipitation of 40 inches with 60% loss to evaporation and transpiration, the balance is available to recharge the water table aquifer. Therefore, the volume available for recharge is:

$$143 \text{ acres} \times 0.4 \text{ (40 inches / 12 inch/ft.)} = 191 \text{ acre/ft} \approx 8{,}300{,}000 \text{ ft}^3$$

The volume of annual recharge greatly exceeds the water equivalent of the extracted mined material. Therefore, a diminishment of the water table is not anticipated. The water elevations of the pond can be carefully monitored by direct observation over the life-of-mining to verify the operations are not adversely affecting the aquifer.

Local recharge to the sand and gravel aquifer, and potentially to the bedrock aquifer, may be enhanced by creation of an open waterbody. As clearly represented herein, no dewatering will occur during the proposed deeper phase of mining. Turbidity levels in the pond may temporarily increase as the long-reach excavator removes material.

4.4.4 Adjacent Residential Water Supply Wells and Project Area Wells

Water supply wells on adjacent residential properties were previously located with a Global Positioning System (GPS) unit. Figure 6 presents the water supply well locations for the project area and adjacent residential properties.

Well completion reports were obtained for a few of the adjacent residential property water supply wells and are provided in Appendix I. The well located on the Croner property at 34 Canoe Hill Road was completed in 2002 and yields groundwater from the shale bedrock aquifer at a rate of approximately two (2) gallons per minute (gpm) from a fracture zone located 300 feet below ground surface (bgs). The Croner well is 605 feet deep and bedrock is approximately thirty (30) feet bgs. The Olson property at Route 82 was completed in 1999 and yields groundwater at a rate of 8 gpm from a fracture zone in the shale bedrock at a depth of 100 to 120 feet bgs. Top of bedrock for the Olson well is approximately 90 feet bgs, which is consistent with the geologic model of the project area.

Due to the depth of water supply fractures in the bedrock, there are no expected impacts to water quality due to the proposed modification.

There are two (2) water supply wells currently used on the mine property for mining operations. Mr. Kent P. Sanders (Deputy Chief Permit Administrator, NYSDEC Division of Environmental Permits) authorized the Water Withdrawal Non-Public (WWN) Permit on June 9, 2017. A copy of the WWN Permit is provided in Appendix J. There have been no reports or complaints that use of these water wells have adversely affected water levels in wells from adjacent properties during periods of normal or high use. The wells are only used during drought periods when available surface water from the project area ponds provides an insufficient volume for the plant processing wash water. Wash water utilized in the processing plant is then recycled to the overburden aquifer.

4.5 Surface Water

Surface waterbodies, streams and NYSDEC wetlands (12.4 acres or greater) within one-half (½) mile of the mine property consist of six (6) streams and two (2) emergent marsh wetland areas (see Figure 7). Emergent marshes are flooded most of the year and consist of herbaceous plants such as cattails, purple loosestrife, swamp loosestrife, arrowheads, reeds, bur-reeds, pickerel-week, wild rice, water plantain, bulrushes, and arrow-arum. Emergent marshes within one-half (½) mile of the mine property are assigned Class II by the NYSDEC. New York State ECL Section 24 and regulations at 6 NYCRR Part 664 defines a Class II emergent marsh as having purple loosestrife and/or reed that constitute less than two-thirds (2/3) of the wetland cover type.

The Class II emergent marsh wetlands are located south of the mine property. The eastern emergent marsh is approximately 2,100 feet south of the mine property and is 105.1 acres in size. The western emergent marsh is 34.8 acres in size and approximately 1,500 feet south of the mine property. The East Branch of the Wappinger Creek flows through both emergent marshes. Groundwater elevations associated with the two (2) emergent marsh wetlands were determined using the New York State Department of Transportation (NYSDOT) quadrangle topography (see Figure 7). The eastern emergent marsh has an elevation of approximately 290 feet amsl. The elevation of the western emergent marsh is approximately 280 feet amsl.

There are additional wetland areas less than 12.4 acres identified by National Wetland Inventory (NWI) within one-half (½) mile of the mine property. These wetland areas consist of emergent wetlands, forested/shrub wetlands, and ponds. These wetlands are not classified and the locations are also provided on Figure 7.

Streams within one-half (½) mile of the mine property have NYSDEC classifications ranging from B to C. NYS ECL Section 24 and regulations at 6 NYCRR Part 701 defines the best usages of Class B fresh surface waters as primary and secondary contact recreation and fishing. Class C fresh surface waters are suitable for fishing. The regulation states Class C waters are suitable for primary and secondary contact recreation; however, other factors not listed may limit these uses. Class B is suitable for fish propagation and survival.

Surface waters identified as trout habitat or trout spawning areas carry the additional classification of (t) or (ts). Under NYS ECL, streams with a classification of C(t) or greater are protected, and any activities in relation to the stream must be permitted.

The Wappinger Creek is located approximately 2,400 feet northwest of the mine property. The Wappinger Creek flows in a north-south direction and is classified as a B(ts) stream. The East Branch of the Wappinger Creek is located approximately 2,300 feet west of the mine property. The East Branch of the Wappinger Creek flows in a northerly direction where it converges with the Wappinger Creek approximately 2,800 feet northwest of the mine property. Tributaries to the East Branch are located on the east and west sides of the stream. The western tributaries are located approximately 1,800 to 2,400 feet south of the mine property. The eastern tributaries are located approximately 2,700 feet west of the mine property. The East Branch and tributaries are classified as B streams.

Potential impacts to the identified emergent marsh wetlands and stream located within one-half (½) mile of the mine property are considered negligible because the proposed deep excavation mining will not involve dewatering and no water will be discharged from the project area.

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Exhibit 2

TIM MILLER ASSOCIATES, INC.

10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

August 3, 2021

Chairman Paul Schwartz
Members of the Town Planning Board
Town of Washington
10 Reservoir Drive
Millbrook, NY 2545

Re: Chatillon Realty Corp.
133 Woodstock Road
Proposed aquatic habitat creation

Dear Chairman Schwartz and Members of the Board:

At your request I have reviewed the materials submitted to the Board for the above-referenced proposal. Specifically I reviewed the merits of the project in terms of potential for habitat creation and restoration and possible long term impacts of the proposal as currently conceived. My office was not asked to comment on the zoning or traffic issues, which are a significant part of the current planning process. This application will also require a New York State DEC Mined Land Reclamation Permit.

The applicant proposes to remove up to two million tons of sand and gravel from the property in order to create a 20-acre lake for recreational use. It is anticipated that the project will proceed over an 8 to 10 year period, ultimately resulting in the lake and surrounding habitat. I walked the site with Mr. Mailman on July 30, 2021 and he explained to me his vision for the property. My comments are as follows:

1. The creation of an open water feature is appropriate as part of a larger scheme for reclamation of a mined site. This property was mined in the early 2000's then planted with a low diversity seed mix that has resulted in a monoculture of big bluestem with an assortment of other volunteers. The low nutrient soils that remained do not provide a suitable base for a diverse vegetative community that would prove high quality habitat for the large number of bird, mammal and reptile species that could utilize the area.
2. Although there are a number of smaller ponds in the area, this pond as proposed would provide a larger and potentially more diverse habitat than is currently available in the area.
3. The excavation area does not include only the grassy reclamation area but large expanses of successional woods that have been growing on site since the past mining operations ceased. About half of the proposed excavation is wooded with a mix of evergreens and hardwoods. The Board should be aware that between 15 and 20 acres of trees would be removed for the extent of the excavation as currently shown.

4. The plan identifies a "shoreline habitat planting area", which I assume to mean a wetland fringe with some shallow littoral shelves. However, the slopes at the edges of the pond are too steep and/or too deep to support any other than a very narrow fringe of vegetation. The plan would be better suited if a larger shelf of shallow water (less than or equal to 2 feet) at the south end of the pond.
5. Very steep slopes are being created at the south and southeast parts of the property, with up to an 80 foot drop from Woodstock Road. The erosion control plan is too generic to make a determination if the remaining slopes will be stable at an excess of 40% grade in some areas.
6. No regulated wetlands were observed within the proposed disturbance area. However, NWI mapping and aerial photography show a number of smaller wetlands immediately around the perimeter of the excavation area. Figure 7, which is referred to in the submission as showing nearby wetlands, was not found in the submission package. At least three of these wetlands appear to be within 100 feet of the limit of disturbance and grading, including a stream corridor that flows along the entire eastern edge of the excavation area. The grading plan seems to show that this corridor might be tapped into for extra water to feed the pond.
7. The contours are drawn incorrectly on the Proposed Pond and Grading Plan; if the water table was determined to be at 299', the topography shows it at 301', otherwise the 300 contour is wrong.
8. There is no information in the submitted package about the process for restoration of the site after the material is removed. There is no phasing plan or indication how the excavation will proceed over the projected 10 year period. There is no list of plants that would be used in the various "habitat" areas. It likely that this level of detail will also be a part of the applicant's DEC application.

In conclusion, it is my opinion that the creation of an aquatic habitat feature is an appropriate option as part of a mined land reclamation. Due to the past history and nature of this site it is suitable for such a plan with a minimum of potential adverse impacts. Final details including the size of the pond, phasing and construction details, proximity to adjacent Town regulated wetlands and specific plan for the restoration of the site after completion should be provided.

Feel free to contact me if you have any questions about this review.

Sincerely,

Steve Marino, PWS
Principal, Senior Wetland Scientist
Tim Miller Associates, Inc.

Exhibit 3

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov

NEW YORK STATE OF OPPORTUNITY | **Department of Environmental Conservation**

June 21, 2021

VIA EMAIL

Town of Washington Planning Board
ncaul@optonline.net

Re: Mailman Conservation Preservation Area Project
Town of Washington, Dutchess County
DEC ID: 3-1358-00055/00005
SEQR Lead Agency Response

Dear Town of Washington Planning Board,

The Department of Environmental Conservation (DEC or Department) received your State Environmental Quality Review Act (SEQR) Lead Agency Coordination for the above-referenced action, submitted on your behalf by Jeffrey Battistoni of VanDewater and VanDewater LLP, on June 16, 2021. The proposal involves adaptation of a former 35-acre mine site, part of a larger 162.7-acre parcel located at 133 Woodstock Road, to create habitat improvements including excavation to create 20 acres of aquatic/open water habitat.

The Department has no objection to the Town of Washington Planning Board serving as lead agency for this project. Based on our review of the materials received, including Part 1 of the Full Environmental Assessment Form (EAF), we offer the following comments:

MINED LAND RECLAMATION

As described in the submitted materials, this project involves the removal of approximately 2 million tons of material from the site over the course of a 10-year period in order to create aquatic/open water habitat. This activity will require a Mined Land Reclamation permit from DEC under Article 23, Title 27 of the Environmental Conservation Law. The Department conducted a pre-application meeting with the applicant and their consultant on March 30, 2021 regarding this requirement. An application for this permit has not been received as of this writing.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)

The federal Clean Water Act requires that all active and inactive mining operations have coverage under the SPDES Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activities, for stormwater discharges to waters of the State. However, if 100% of stormwater is discharged solely to groundwater in up to a 100-year, 24-hour storm event (Zero Discharge), SPDES permit coverage is not required and the general permit is not applicable.

A facility claiming Zero Discharge must be prepared to demonstrate, through modeling and site assessments (soil testing, infiltration test, hydrology, etc.), that Zero Discharge criteria are met, even during frozen conditions.

Any process wastewater must be contained in a closed loop zero discharge system. Discharges of process wastewater or process water co-mingled with stormwater are ineligible for coverage under the MSGP, and must be covered under an individual SPDES permit.

PROTECTION OF WATERS STREAM DISTURBANCE

The following stream is located within or near the site:

Name	Class	DEC Water Index Number	Status
Tributary of Wappinger Creek	C	H-101-22	Non-Protected

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." A Protection of Waters permit is not required to disturb the bed or banks of any streams identified as "Non-protected."

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.

FRESHWATER WETLANDS

The project site does not contain New York State-protected Freshwater Wetlands. However, please contact the United States Army Corps of Engineers for any permitting they might require.

WATER QUALITY CERTIFICATION

There may be federally regulated wetlands on certain portions of the overall property. If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. A copy of the current blanket for the 2017 Nationwide Permits is available on the DEC website at: http://www.dec.ny.gov/docs/permits_ej_operations_pdf/wqcnwp2017.pdf.

In 2020 the EPA implemented a new rule on the processing and issuance of Water Quality Certifications. Among the requirements are submission of a pre-filing meeting request 30-days prior to submission of the application and a number of additional specifications for the application materials themselves. Forms for pre-filing meeting request and a supplemental to the Joint Application for Water Quality Certifications are available online at https://www.dec.ny.gov/permits/6222.html.

You must submit the Water Quality Certification Pre-Filing Request Form at least 30 days before you plan to submit the application. When submitting, the application must include the Water Quality Certification Joint Application Supplement WQC-1 Form.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. No records of sensitive resources were identified by this review.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information

from on-site surveys or other sources may be required to fully assess impacts on biological resources.

OTHER

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website, www.dec.ny.gov, under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at http://www.dec.ny.gov/permits/6081.html.

Please feel free to contact me at christopher.lang@dec.ny.gov if you have questions regarding the above information. Thank you.

Sincerely,

Chris Lang

Digitally signed by Chris Lang
Date: 2021.06.21 11:11:34 -04'00'

Chris Lang
Division of Environmental Permits

ecc: Ryan LaDuke, DEC Mined Land Reclamation Specialist
John Petronella, DEC Regional Permit Administrator
Mark Williams, Sterling Environmental
Christopher Mailman, Chatillon Realty
VanDewater and VanDewater, LLP

Coordinates: 41°48′1″N 73°45′27″W

Bloomvale Historic District

The **Bloomvale Historic District** is located east of the hamlet of Salt Point, New York, United States. It is a collection of buildings and structures around the intersection of Clinton Corners Road (Dutchess County Route 13), state highway NY 82 and the East Branch of Wappinger Creek. Most of it is in the Town of Pleasant Valley; the eastern portion is in the Town of Washington.

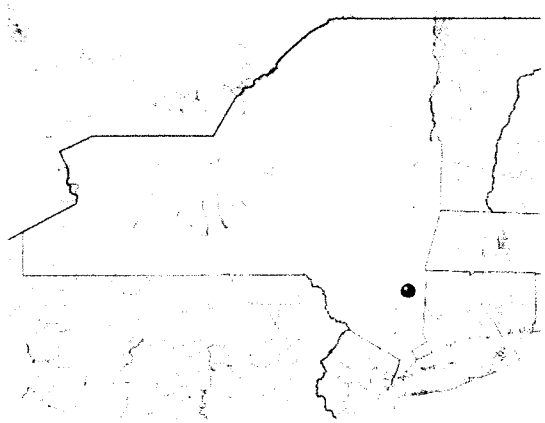
The village (and thus the district) was named after Isaac Bloom, a landowner and politician in the area during and after the Revolutionary War who built a Federal style mansion and operated the first mill on the creek (and thus sometimes historically known as **Bloom's Mill** or **Bloomdale**). By the mid-19th century it had grown into a small industrial town around what was now a cotton mill. After a fire destroyed the mill, the community faded away in the early 20th century. A later owner was able to use the remaining facilities as a cider mill until almost the middle of the century. In 1991 the dam, the remaining mill buildings, and some of the houses were grouped into a historic district and listed on the National Register of Historic Places.

Bloomvale Historic District

U.S. National Register of Historic Places

U.S. Historic district

Dam, bridge abutments and mill house, 2008



Location	Salt Point, NY
Nearest city	Poughkeepsie
Coordinates	41°48′1″N 73°45′27″W
Area	38 acres (15 ha)[1]
Built	1740–1920[1]
Architect	John Rowland, Edward Swezey
Architectural style	Federal

Contents

Geography

The district is an irregularly shaped 38-acre (15 ha) parcel extending east and west from the junction of Route 82 and Clinton Corners. Its boundaries are those of the lots with the contributing properties on them. The creek forms the boundary on the east and southeast.[1]

NRHP reference No.	91001874 (https://npgallery.nps.gov/AssetDetail/NRIS/91001874)
Added to NRHP	1991

The area is wooded, with little land cleared around the buildings and structures. There are a total of five buildings and eight structures in the district, most of which relate to the area's history as a mill site and date to the 19th century. Two of the buildings (a house and modern garage), and one of the structures (a swimming pool), are not considered to be contributing properties. The entire area is also considered a site with potential for archeological investigations, making it the 11th contributing property.[1]

History

Originally built to attract settlement to the region, the mill property has passed through three distinct phases of use during its period of historical significance. It remained a gristmill and sawmill, supporting the area's farmers, into the mid-19th century, well after Bloom's ownership. Redeveloped as an industrial cotton mill, it led to expansion of the area's population, despite frequent changes of ownership for a quarter-century, until a fire destroyed it. In the early 20th century a new owner built a cider mill on the site although it is not known whether it was commercially successful or not.

1730s–1839: Gristmill and sawmill

The first record of a mill at Bloomvale is a 1749 deed for a nearby tract that describes it as being "west of the kill that Isaac Filkins grist mill stands on." Filkins had inherited the land from his father Henry, one of the Great Nine Partners of the area's royal land grant. 11 years earlier, in 1738; it is not known if there was a mill at that time. There is a strong possibility that there was as most large landowners had set them up on their holdings by that time, in order to encourage European settlement.[1]

The mill continued to be referred to as "Filkin's mill" in land records for the rest of the century. Sometime around the Revolution, though, it became just a name, as Isaac Filkins sold the mill property to a younger man named Isaac Bloom, who may have come to Dutchess County from what is now Brooklyn. The younger man signed a 1775 deed for a nearby property as a witness, and Benson Lossing's 1852 *Pictorial History of the Revolution* records the Continental Army encamped at "Bloom's Mills." That name may be anachronistic, but by 1781 another local deed references Bloom as a nearby landowner, and in 1785 he took out a mortgage on 277 acres (112 ha) that contained the current mill property.[1]

Bloom's 1808 obituary records that he was in the local militia during the Revolutionary War. After independence, he continued to devote himself to public service. He served as the first town clerk after the war, in Clinton, of which Bloomvale was still part at that time. After service as a county

judge, a title he kept for most of his life, he was elected to the New York State Assembly and later the State Senate. At the time of his death he had been elected to the U.S. House of Representatives and was awaiting the start of his term.[1]

Bloomvale was his country seat, and he built the large Federal style mansion on the southwest corner of the two roads around 1801. It is angled diagonally, to face the mill and the creek. Its decoration and size epitomize the highest of the Federal style in rural Dutchess County of that time. Today the building is the most architecturally significant in the district.[1]

After Isaac Bloom's death, his estate was divided among his six surviving children and the children of a seventh who had died before him. The complicated and delicate subdivision of his land this entailed required that it be surveyed accurately, and this was done in 1809, adding considerably to the historical record. It shows that the mill property was separated from the house, and two new farms created. The deed records from this period are confusing, but show that Jonathan Bloom, the son who began living in the house after his father died, acquired four shares of the estate from his siblings. The proceeds from the subdivision were used to settle the estate's debts.[1]

A mortgage the family took out was nevertheless allowed to default, and in 1826 the Blooms lost the properties to a William Thurston of New York City. Four years later, in 1830, he in turn sold it to Rowland Hazard of South Kingstown, Rhode Island. His family was already involved in the emerging textile industry, with wool and cotton mills in South Carolina and Pennsylvania in addition to their native state. The Bloom property was the latest in a series of acquisitions related to that, moving up the Wappinger Creek valley, where agricultural output was declining to the point that it could no longer sustain the original gristmills.[1]

1840–1875: Cotton mill

Hazard was unable to industrialize the Bloom mill, since it is still described as a sawmill and gristmill in his 1839 will. His wife and daughters subdivided the farm property, which they continued to live on, and leased the mill to an Isaac Merritt and Charles Frost in 1845, on the condition that the two built a cotton mill and housing at their own expense within a decade. By 1850, they had done so, since it is depicted on a contemporary county map. According to the 1850 census's industrial schedule, the mill employed 35 and produced 30,000 pounds (14,000 kg) of cotton yarn per year. That record also refers to its location as Bloomvale, the first recorded use of that name.[1]

The only recorded use of "Bloomdale" is on the 1856 deed from the Hazards' sale of the property to Troy industrialist David Thomas Vail, for $6,000 ($173,000 in contemporary dollars[2]). It is possible that it was a misnomer. The deed also suggests that Merritt and Frost fulfilled the terms of their lease but did not renew it, since a Charick Rosencranz is given as the mill operator. Vail's purchase may have purely speculative, or a way of buying the Hazards out, since the next year he resold the property to Rosencranz for $20,000 ($556,000 in contemporary dollars[2]).[1]

The high purchase price led Rosencranz's mortgage, like the Blooms', into default. In 1862 a man named Benjamin Pond acquired the property after foreclosure for $2,100 ($54,000 in contemporary dollars[2]). Rosencranz apparently remained as its manager or in some significant capacity since the 1870 census's industrial schedule calls it "Rosencranz and Pond's Bloomvale

Factory". By that time, it employed 60 and had increased production to 208,000 pounds (94,000 kg) annually. Bloomvale was a thriving industrial village, and Pond gave $10,000 for the construction of a Dutch Reformed Church chapel for it, an outgrowth of a Sunday school he had started for workers' children.[1]

Two years after the census, Pond sold the mill to a group of investors from Philadelphia for $17,000 ($367,000 in contemporary dollars[2]). He had to foreclose on them three years later, in 1875. The property was sold at auction for $3,916 ($92,000 in contemporary dollars[2]) to another Philadelphia man, Henry Carson.[1]

This period of the mill's history is sketchy. Local lore holds that the cotton mill burned down in 1873, but it is difficult to tell from the written record, since all the property transfers from this period refer to the "Bloomvale Factory." The 1875 sale price, the first one after the date of the fire, is the lowest although it is hard to tell since the value of the property had fluctuated wildly. Carson owned the property for 22 years, for purposes unknown. By the time his heirs sold it to Susan Titus in 1897, the price had dropped to $2,500 ($78,000 in contemporary dollars[2]), the lowest until she sold it to Edwin Swezey, an engineer from Brooklyn, for $1 ($29 in contemporary dollars[2]).[1]

1876–present: Cider mill

The workers had gradually moved out after the fire, and the last vestige of Bloomvale's industrial prime ended when the chapel stopped holding services in 1910. Swezey, who expanded the mill property to 500 acres (200 ha), built a 40-foot (12 m)-square cider mill out of the ruined stones from the cotton mill, with help from reinforced concrete and steel, in 1913. Swezey hired Frank Vitale, an Italian immigrant from Brooklyn, NY, to perform the stone masonry work for the rebuilding of the mill. Swezey also restored the manager's house and one of the surviving workers' houses.[1]

In 1919 the Bloom mansion, somewhat neglected by a succession of owners during the previous century save for the addition of a veranda and kitchen wing, received new attention. New owners, and local historians, recognized its historic importance and kept it to better standards as Dutchess County began to become a popular weekend home site for wealthy New Yorkers.[1] The construction of the Taconic State Parkway, which passes nearby, over the next several decades made it easily accessible by automobile from the city and thus even more attractive.

Swezey may or may not have been successful with his cider mill, but he continued to subdivide and sell portions of the onetime Bloom property for the rest of his life. After his death in 1945, his widow sold the mill property and 50 acres (20 ha) to Joseph DeNatale of Yonkers. In 1950 the house's veranda was removed; in 1989 the chapel was demolished. The present owner has combined most of the surviving mill properties into one parcel.[1]

Contributing properties

There are five buildings and eight structures within the district. Of these 13 resources, 10 are considered contributing properties. In addition the entire district is considered an additional resource for what it might yield in archeological investigations.

Bloom House

Isaac Bloom built this five-bay two-story clapboard-sided side-gabled Federal style mansion in approximately 1801, at the height of his prosperity. Its front facade facing northeast, allowing a view of the mill property. Exterior decoration includes a Palladian window, door sidelights and leaded glass transom. Windows have splayed block lintels, scored and keyed to look like masonry. The roof line is accentuated with blocked modillions that form pediments on the gable ends. In the front is a paved terrace with broad steps descending to the lawn.[1]

Inside the house follows a central hall plan with large rooms in the front on either side and smaller ones in back that has been minimally altered. Most of the interior trim is restrained. Doors are paneled on only one side, and the cherry stair rail has no additional finish. The most decorated piece in the house is one of the parlor fireplaces, which has carved in its mantelpiece swags flanking a central urn under the shelf with garlands hanging down the flanking pilasters. The firebox complements this with a gray marble surround. Picture windows have been added to the rear of both first floor rooms.[1]

The second floor is similarly furnished but with even more restraint. In the attic the open rafters allow a view of the craftsmanship involved in the queen post framing; it has been left unfinished. The basement has been renovated into additional living space.[1]

During the 19th century, a kitchen wing was added to the south and a veranda, since removed, added to the front. Two other buildings are amid the five acres (2 ha) of lawns and landscaping on the property, a contributing wellhouse and noncontributing garage. Barns that were once on the property no longer exist; one was replaced with the garage. The swimming pool to its south is the only non-contributing structure in the district.[1]

Mill complex

The 1913 stone cider mill, its 2½-foot–thick (76 cm) walls built partly with stones from the ruined cotton mill, sits to the south of the creek a short distance east of Route 82. It has since been converted into a house. A small shed behind it is the other non-contributing property in the district. To the house's northwest on either side of the creek are the remaining stone abutments from the 18th-century road and bridge at the site. No remnants of the sawmill/gristmill from that time have been discovered.[1]

Further east, along the creek, a high table that creates a waterfall marks the site of the 19th-century cotton mill, with a mill pond still behind it. Foundation and ground floor wall sections are all that remain of the 45-by-96-foot (14 by 29 m) two-story structure. To the north and east are smaller remains of foundations, the sites of two workers' homes. Further east is another, smaller foundation, the remnants of an icehouse.[1]

The only surviving workers' home is to the south of the mill site, on a rise above the road. The former mill manager's house further south is still extant. It has been altered and enlarged and is no longer considered sufficiently historic, so the district boundaries were drawn to exclude it.[1]

See also

- National Register of Historic Places listings in Dutchess County, New York

References

1. Larson, Neil (September 30, 1991). "National Register of Historic Places nomination, Bloomvale Historic District" (http://www.oprhp.state.ny.us/hpimaging/hp_view.asp?GroupView=2072). New York State Office of Parks, Recreation and Historic Preservation. Retrieved May 3, 2010.
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Exhibit 5

NEW YORK STATE OF OPPORTUNITY.

Division of Local Government Services

ZONING BOARD OF APPEALS

JAMES A. COON LOCAL GOVERNMENT TECHNICAL SERIES

Includes All Statutory Changes Through the 2005 Legislative Session

A Division of the New York Department of State

Andrew M. Cuomo, Governor

Rossana Rosado, Secretary of State

for future development that would, in time, alter the neighborhood's character.[58]

Self-created hardship

While it was not a factor in the *Otto* decision, there is one more important consideration that must be noted before leaving the discussion of use variances. That is the so-called rule of "self-created hardship." The self-created hardship rule has now been codified in the statutes.[59]

It is well settled that a use variance cannot be granted where the "unnecessary hardship" complained of has been created by the applicant, or where she/he acquired the property knowing of the existence of the condition she/he now complains of. In *Carriage Works Enterprises, Ltd. v. Siegel*[60], in addressing self-created hardship, the court stated "The courts should not be placed in the position of having to guarantee the investments of careless land buyers." The same advice should apply to zoning boards of appeals.

In the case of *Clark v. Board of Zoning Appeals*[61], the Court of Appeals, before proceeding to discuss the grounds necessary for the granting of a use variance, noted that the property in question was purchased to be used as a funeral home in a district where such use was not permitted under the zoning ordinance. The court observed that:

> "Nevertheless . . .[the owner] . . . purchased the lot, then applied for a variance. We could end this opinion at this point by saying that one who thus knowingly acquires land for a prohibited use, cannot thereafter have a variance on the ground of `special hardship' . . ."[62]

Note, however, that a contract vendee – i.e., a person who enters into an agreement with the owner to purchase the property contingent on the grant of a variance – is a legitimate "person aggrieved" (see "Who are proper parties before the board," below). Since the contract vendee has yet to purchase the property, he/she cannot be said to present self-created hardship, but must rely on the circumstances of the owner with whom he/she has a contract.

A final word on use variances

The rules laid down in the statutes and in the applicable cases are *requirements*. They *must* be used by zoning boards of appeals in reviewing applications for use variances. Furthermore, the board must find that *each* of the elements of the test has been met by the applicant.

The board must also consider the effect of the grant of the use variance on the zoning law itself. The Court of Appeals pointed out in the *Clark* decision, *supra*,

> ". . . no administrative body may destroy the general scheme of a zoning law by [granting variances indiscriminately] . . ."

The Area variance

The statutes[63] define an area variance as follows:

> "'Area variance' shall mean the authorization by the zoning board of appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations."

Area variances are thus, as a practical matter, distinguished from use variances in that a use variance applies to the use to which a parcel of land or a structure thereon is put, and an area