MACKEY BUTTS & WISE LLP

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April 22, 2021

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VIA HAND DELIVERY and
Email (parisija67@optimum.net)

Hon. John Parisi, Chairman
Hon. Members of the Zoning Board of Appeals
Town of Washington
10 Reservoir Drive
Millbrook, NY 12545

Re: Chatillon Realty Corp.
Application for a Use Variance and Interpretation
Our File Number: 7645.0002

Dear Chairman Parisi and Members of the Zoning Board of Appeals:

We represent Chatillon Realty Corp. the Applicant in the above referenced matter.

The following documents are submitted for your review in advance of the regular meeting of the Zoning Board of Appeals scheduled for May 18, 2021:

1. Original and 8 copies of the Application.
2. 8 copies of a Use Variance Statement.
3. Original of the landowner consent letter.
4. 8 copies of a Long Form Environmental Assessment Form (EAF) in regard to the proposed action.
5. Flash drive containing digital copies of items 1-4 above.

We look forward to meeting with the Board on May 18th. If you have any questions, please contact me.

Very Truly Yours,

MACKEY BUTTS & WISE, LLP

Joshua E. Mackey, Esq.

JEM/me

Reply to:

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APPLICATION TO BOARD OF APPEALS

Appeal No. _____

Town of Washington Date _____, 20__

TO THE ZONING BOARD OF APPEALS, ----------, New York.

I (we) Chatillon Realty Corp., of 225 Woodstock Road
(Name of Appellant) (Street and Number)

Millbrook, New York HEREBY APPEAL TO
(Municipality) (State)

THE ZONING BOARD OF APPEALS FROM THE DECISION OF THE BUILDING INSPECTOR ON APPLICATION FOR BUILDING PERMIT NO. ----------, DATED ---------- 19 ----, WHEREBY THE BUILDING INSPECTOR DID

( ) GRANT
( ) DENY

TO Chatillon Realty Corp.,
(Name of applicant for permit)

OF 225 Woodstock Road, Millbrook, New York 12545
(Street and Number) (Municipality) (State)

(X) A PERMIT FOR USE
( ) A PERMIT FOR OCCUPANCY
( ) A CERTIFICATE FOR CONTINUATION OF A NON-CONFORMING USE

1. LOCATION OF THE PROPERTY 133 Woodstock Road, RL-5 District
(Street and Number) (Use District on Zoning map)

2. PROVISION (S) OF THE ZONING ORDINANCE APPEALED, (Indicate the article, section subsection and paragraph of the Zoning Ordinance being appealed, by number. Do not quote the Ordinance.) Article VI and Attachment A

3. TYPE OF APPEAL. Appeal is made herewith for:

(X) An interpretation of the Zoning Ordinance or Zoning Map
(X) A variance to the Zoning Ordinance

4. PREVIOUS APPEAL. A previous appeal ( ) has
(X) has not been made with
respect to this decision of the Building Inspector or with respect to the property. Such appeal (s) was (were) in the form of ( ) a requested interpretation
( ) a request for a variance
and was (were) made in Appeal No. _____, dated _____ 19 __.
Appeal No. _____, dated _____ 19 __.
Appeal No. _____, dated _____ 19 __.

Please download the appropriate State Environmental Assessment form from the NYDEC website.

5. REASON FOR APPEAL. (Complete relevant blank. Use extra sheet if necessary.)

A. INTERPRETATION OF THE ZONING ORDINANCE IS REQUESTED because:

_____

_____

_____

B. A VARIANCE TO THE ZONING ORDINANCE IS REQUESTED for these reasons:

(1) STRICT APPLICATION of the Ordinance would produce UNDUE HARDSHIP because: See Attached Statement

_____

_____

_____

(2) The hardship created is UNIQUE and is not shared by all properties alike in the immediate vicinity of this property and in this use district because:

See Attached Statement

_____

_____

_____

(3) The variance would observe the spirit of the ordinance and would NOT CHANGE THE CHARACTER OF THE DISTRICT because:

See Attached Statement

_____

_____

_____

STATE OF NEW YORK)
COUNTY OF Dutchess) ss

Sworn to this ~~April~~ 23rd day of April, 20 21

(Signature)
Joshua E. Mackey, Esq., Mackey Butts & Wise LLP
(Notary Public)

Applicant preferred contact number 917-763-4343

Dutchess County Tax Grid Map Number 135889-6666-00-110182

setback variance $400.00 each additional setback $125.00

PAUL E. DENBAUM
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02E6245957
Qualified in Putnam County
Commission Expires August 8, 2023

AFFIDAVIT TO BE COMPLETED BY AGENT OF OWNER

State of _____ }
} ss:
County of _____ }

_____ being duly sworn, deposes and says:

1. That he/she is the agent named in the foregoing application for _____ and that he/she has been duly authorized by the owner in fee to make such application and that the foregoing statements contained therein are true to the best of his/her knowledge and belief.

2. That he/she resides at _____ in the County of _____ and the State of _____.

3. That he/she is the _____ of the within property as described in the foregoing application for Subdivision / Site Plan / Special Use Permit approval(s) and that the statements contained therein are true to the best of his/her knowledge and belief.

4. That he/she understands that the Town of Washington Planning Board intends to rely on the foregoing representations in making a determination to issue the requested applications and approvals and that under penalty of perjury he/she declares that he/she has examined this affidavit and that it is true and correct.

Not Applicable

_____ _____
Agent/Owner Agent/Owner

_____
Notary Public

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April 23, 2021

VIA HAND DELIVERY and
Email (parisija67@optimum.net)

Hon. John Parisi, Chairman
Hon. Members of the Zoning Board of Appeals
Town of Washington
10 Reservoir Dr.
Millbrook, NY 12545

Re: Applicant - Chatillon Realty Corp.
Use Variance Application
Property Location - Tax parcel number 6666-00-110182
133 Woodstock Road
Zoning - RL-5, Low Density Residential District
Our File Number: 7645.0002

Dear Chairman Parisi and Members of the Zoning Board of Appeals:

We represent Chatillon Realty Corp. ("Applicant") who comes before you, requesting a use variance pursuant to Town of Washington Zoning Code ("Code") Section 420(1).

Description of the Action

Applicant purchased the 162.7-acre property at 133 Woodstock Road with the intent to restore an approximately 35-acre former mine site for the creation of a unique conserved area of woodland and meadow that includes a 20-acre aquatic habitat consisting of open water and shallow wetland areas to maximize biodiversity.[1] The existing condition for this portion of the property is generally sterile with limited ecological value as left by the previous owners. Excavating the former mine to create a unique groundwater-fed aquatic habitat that will be managed as a dedicated conservation area as discussed by Eric Kiviat, PhD PWS of Hudsonia in his *Preliminary Biodiversity Assessment of Reclaimed Soil Mine, Woodstock Road and Route 82, Town of Washington, Dutchess County, New York*

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[1] Applicant intends to subdivide the restored 35 acres from the 162.7 total acreage. The issue of the subdivision is not the subject of the application.

dated January 11, 2021, annexed hereto as Exhibit A[2], and as the current former mining operation and sterile condition absent of significant cover vegetation substantially reduces the value of the property. The intended use will result in a managed land conservation area in keeping with the rural residential and agricultural character of the Woodstock Road area. It should be noted that the Town of Washington Planning Board reviewed and discussed the proposed use on March 2 and March 30, 2021. As recorded in the March 30 virtual Workshop Meeting, the Planning Board unanimously voted in favor of the proposed use. It is our understanding that the Zoning Board of Appeals (ZBA) attended this Workshop.

A Use Variance to allow the re-purposing of the former mine site, will return the land to productive habitat, including improvements to visual splendor. The creation of the 20-acre aquatic habitat would involve the removal of an estimated two million yards of earth and would therefore classify the project as "soil mining" or "quarrying" under the Code, which are uses not permitted in the RL-5 Zoning District. Notably, in the adjacent RS-5 Zoning District this action would be allowed by special permit. The proposed project does not contemplate mining activities such as onsite processing, blasting, crushing, and/or sorting or washing of materials. The removal of soil is simply a necessary adjunct to the creation of an ecologically productive aquatic habitat (conservation area). Once construction of the habitat is completed the land would be managed and made available for hunting and fishing.

Use Variance Standards

1) *That the Applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.*

This application is unique in that the proposed use is not one that is capable of being described financially in comparison with the list of permitted uses in the RL-5 Zoning District. The transformation of this land to preserve it as an aquatic habitat for hunting and fishing purposes is not a typical "business" that allows a weighing of the financial benefits of such a use against the financial benefits of uses that are permitted in the RL-5 Zoning District. Uses permitted by-right and subject to Site Plan and Special Use Permit approval in the RL-5 Zoning District are:

[2] Michael L. Schummer, PhD of the State University of New York College of Environmental Science and Forestry College (SUNY-ESF) Department of Environmental and Forest Biology, has also consulted on this project.

- Agriculture and Farm Uses
- Animal Hospital
- Animal Husbandry
- Barn Conversion
- Dwelling, Single and Two family
- Bed and Breakfast
- Composting manure and vegetative waste
- Camps, private
- Churches
- Garages, private
- Educational Institution
- Home Occupation
- Forestry
- Golf Courses
- Kennels
- Swimming Pools
- Nursing Home or Convalescent Home
- Off-Street Parking
- Parks, public and private
- Pig Farm
- Playgrounds
- Public Utilities
- Riding Academy
- Shooting Preserve
- Stables, public and private
- Wildlife Preserve

With the possible exception of "Wildlife Preserve" each of these uses is arguably a business use for which a financial incentive can be assigned. However, the "Wildlife Preserve" use is also limited since it specifically prohibits hunting and fishing within the preserve.

It should also be noted that the property, as a former mine site, was permitted for mining in 1993 (issued 1999) and operated for several years until it was reclaimed as a grass meadow in 2003, and in accordance with the permit requirements administered by the New York State Department of Environmental Conservation (NYSDEC) Division of Mineral Resources. The proposed use would effectively remove material to create a groundwater-fed 14.8-acre pond in accordance with the mining and mine reclamation standards of today. A NYSDEC Mined Land Reclamation permit would be required in order to create the open water and shallow wetland area. To those ends, and of further note, the Applicant's initial meetings with Region 3 NYDEC officials met with favorable support for what they termed a "unique project".

The Applicant intends to hire a firm to remove the material to create the aquatic habitat. The excavated material will be taken from the site, recycled, and used for other purposes. There will be no processing of any excavated material on the site.

Notwithstanding the above, the value of the property will be enhanced through elimination of the current former mine and through the development of the proposed aquatic habitat (conservation area).

2) *That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.*

The creation of a 35-acre aquatic habitat is unique in that the time and effort to create the habitat is not something that is typically undertaken as an everyday activity. Indeed, we are aware of no other project of this type having been completed in the Town of Washington or in NYSDEC Region 3. The simple fact is that the site, which is a closed, inactive and "reclaimed" mine, is not particularly suitable for residential or commercial use any longer. Although the site has been reclaimed in accordance with the minimum standards of the NYSDEC in effect at the time, today there is limited plant growth with no significant topsoil. The original layers of virgin topsoil, which were removed as part of the former sand and gravel mining operation, have been stripped away, leaving the remaining land ecologically sterile and sparsely vegetated. If the land were to be prepared for any of the permitted uses in the RL-5 (Low Density Residential) Zoning District it would require restoration, including a substantial amount of topsoil, to make it usable. In summation, the hardship posed by the former mining area is a pre-existing condition. The mined area vegetation should have been restored in accordance with ecologically sound practices by prior owners. Creating the proposed aquatic habitat is an acceptable means to restore the previously mined area and will directly eliminate the hardship.

3) *That the requested use variance, if granted, will not alter the essential character of the neighborhood.*

The essential character of the neighborhood will not be altered except to the extent that environmental conservation will be achieved in an area of the Town where this is needed most. The RS-5 Zoning District where mining is allowed by special permit is adjacent to the property. The property runs contiguous with an existing sand and gravel mine (with multiple tax-lots and owners, located at 5088 Route 82 and 17 Canoe Hill Road) operated by Route 82 Sand and Gravel. The property is surrounded on two sides by former and current mines. Former mines in the neighborhood include 5150 Route 82 and 1 Woodstock Road. Most of the lots in the vicinity of the proposed site are forested and also contain water bodies. Water for the aquatic habitat would be supplied by available subsurface (groundwater) supplies. No water from surface water bodies, wetlands, or any associated buffer areas would be diverted to fill the aquatic area and no inlets or

outlets to any existing surface water bodies or wetlands would be established. The removal of material from the site, and the resulting 20-acre habitat, would therefore be consistent with the character of the neighborhood. Moreover, the Town Planning Board previously determined that the proposed development is consistent with, and will substantially improve, the inherent character of the neighborhood and the Town of Washington as a whole. Finally, the proposal is consistent with the Town's Comprehensive Plan in that it will protect and preserve the environment as well as the Town's rural character.

4) *That the alleged hardship has not been self-created.*

The Applicant purchased the property with the express intention of creating this aquatic habitat. At the time of purchase, in December of 2020, the Applicant believed building a pond would not be subject to the Town's limitation on soil mining. The clearing of material to create biodiversity and the habitat for hunting and fishing purposes is a short-term activity that would result in the permanent and long-term use of the property as a unique managed forest and aquatic resource.

On the basis of the foregoing, we respectfully seek a Use Variance pursuant to Town of Washington Zoning Code ("Code") Section 420(1). We welcome any questions or comments to help facilitate our request.

Very Truly Yours,

MACKEY BUTTS & WISE, LLP

Joshua E. Mackey, Esq.

JEM/naw

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a nonprofit institute

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Preliminary Biodiversity Assessment of Reclaimed Soil Mine, Woodstock Road and Route 82, Town of Washington, Dutchess County, New York

by Erik Kiviat PhD PWS

Hudsonia

Prepared for Chatillon Realty

Millbrook, New York

11 January 2021

At the request of Chatillon Realty, I conducted a brief, preliminary biodiversity assessment of the reclaimed former soil mine site east of Route 82 and north of Woodstock Road in the northwestern portion of the Town of Washington, Dutchess County, New York. This area is on a property that was recently acquired by Chatillon Realty. Excavation is proposed to create a lake for wildlife habitat, especially for water and marsh birds, that is suitable for observing and photographing water and wetland-associated wildlife.

Hudsonia does not normally advocate for or against land use proposals. Rather we make observations, review extant data, consider the local biota and habitats, and if appropriate recommend habitat or species management practices. The actual land use, conservation, and environmental management decisions are made by the land owners and managers, subject to regulatory purviews.

Study Area

The study area is underlain by shale and siltstone (Fisher and Warthin 1976). Hoosic gravelly loam soils dominate most or all of the site (USDA 2021). The area was mined for gravel during the past approximately 22 years but the time of cessation of mining is unclear. The mined area was evidently graded, some soil material applied (possibly the topsoil or subsoil overburden from the mine), and herbaceous plants seeded. When I visited on 30 December 2020, the mined area was densely grown with grasses and other herbs, and little bare soil was visible. The mined area is bordered by weedy thickets on the north, a row of trees on the northeast with a field beyond that may be additional reclaimed mine, dense eastern red cedar and white pine on the southeast, a steep depression with eastern red cedar and other woody plants on the south, and red cedars and thickets on the west. The reclaimed mine, including the field east of the tree row, covers approximately 11 acres of which about 8 acres that would potentially be excavated for lake development. The excavation may extend a short distance into the conifer thickets on the southeast.

Observations and Analysis

In a general view, the grassy reclaimed area (wg in Figure 1) does not seem suitable to support rare plants or animals, with the exception of turtle nesting discussed below. There is little bare soil to support rare vascular plants, bryophytes, or lichens in this meadow, and the mostly-dense grassy cover is probably not conducive to the presence of rare species. I did see localized occurrence of lichens and mosses, including dog lichen (*Peltigera* cf. *canina*), which is uncommon in the county. However, without an intensive growing season survey, I am unable to determine for certain that no rare plant is present. There is a small chance of rare sparrows nesting (grasshopper sparrow or Henslow's sparrow).

The reclaimed area is 1000 m from a potential core wetland Blanding's turtle habitat (kettle shrub pool habitat) northwest of Route 82 (see Figure 1 map and legend). (Regional habitats are described in Tollefson and Stevens [2004] with additional information in Kiviat and Stevens [2001].) Thus the proposed lake site is within the potential nesting migration distance of Blanding's turtles if indeed they occur in the kettle shrub pool or other wetland within 1000 m. Blanding's turtles in Dutchess County typically nest in well-drained, friable, gravelly soil at least 20 cm deep with sparse cover of herbaceous plants and a good sun exposure (Kiviat 1997, Bock 2007). Nesting season runs about 20 May to 4 July, outside dates, with most nesting and nest site searching occurring from the last week of May to mid-June. Hatchlings emerge from the nests in late August or September. Blanding's turtle is a Threatened species in New York.

If a lake is constructed on this site, portions of the banks can be built and managed as nesting habitat for Blanding's and other turtles. The lake itself can serve as a drought refuge for Blanding's turtles (Kiviat

1997). Developing successful Blanding's turtle nesting habitat is an interative process that may require fine-tuning after construction as well as management to prevent too much vegetation growth or soil compaction (Dowling et al. 2010).

Spotted turtle and wood turtle may also be using the site. There are several intermittent woodland pools (woodland vernal pools) near the site (Figure 1), which in combination with other nearby habitats could support spotted turtles. These pools could also support breeding by marbled salamander, Jefferson salamander, or four-toed salamander (all threee are Special Concern species in New York), as well as common amphibians including spotted salamander, wood frog, and spring peeper. There is also a small stream in the forest just east of the site, and this stream could support wood turtles. Spotted turtles and wood turtles could nest on the site. Both are Special Concern species in New York.

Recommendations

I recommend the following measures to provide habitat for uncommon and rare biota, and to mitigate potential negative impacts to turtles. Remember that creation of lake habitats, like any nature management, requires clarification of goals, knowledge of the local situation, and using the available scientific information and understanding of the species present or desired to be present.

- Specifications for the project should be detailed and work should be monitored continuously to keep it within the specifications and address any small animals that get onto the work area. (Department of Environmental Conservation permit conditions may prescribe a variety of actions and precautions.)

- Plan ahead for the use of excavated material.

- Complete all earthmoving before 20 May to avoid turtle nesting migrations and the incubation and hatchling emergence periods throughout summer.

- Include one or more turtle nesting habitats in the lake design. These should provide a variety of gravelly and sandy soil textures with sparse vegetation cover (e.g., little bluestem grass). Nitrogen-fixing or highly productive plants should be avoided.

- Avoid plastic mesh fabrics for soil stabilization. Instead use materials that are nontoxic and biodegradable such as coir (coconut husk fiber) matting with no plastic mesh or cord. Plastic mesh (e.g., one inch square mesh) is known to trap and kill snakes that attempt to crawl through it. Turtles can potentially become trapped beneath mesh.

- Lake banks should be gently sloping to allow easy animal exit from the lake.

- A groundwater-fed lake is more likely to remain in a favorable low-nutrient condition than a streamfed lake. The biggest management problem for lakes and ponds in our region is eutrophication.

- A simple, relatively maintenance-free, water control structure at the lake outlet will allow a degree of adjustment of water levels during drought or flood.

- Design lake contours to allow for extensive shallows (e.g., 10-50 cm water depth during growing season).

- Sparsely vegetated islands, possibly some with marginal shrubs for screening, can be favorable resting and nesting places for waterfowl and shorebirds.

- Logs or stumps, and partly emersed rocks, in the shallows are favorable microhabitats for many kinds of animals and small plants.

- Plant native marsh, aquatic, and water edge plants that are favorable for water and marsh birds, muskrats, and herpetofauna (e.g., stoneworts [*Chara* spp.], native pondweeds [*Potamogeton* spp.], water-lilies [*Nuphar, Nymphaea*], swamp loosestrife [*Decodon verticillatus*], tussock sedge [*Carex stricta*] and other native sedges, softstem bulrush [*Schoenoplectus tabernaemontani*], cattails [*Typha* spp.], native common reed [*Phragmites australis* ssp. *Americanus*], native shrubby dogwoods [*Cornus* spp.], native viburnums [*Viburnum* spp.], buttonbush [*Cephalanthus occidentalis*]). If possible, planting material should be sourced from localities within 100-200 miles of the site. Planting material should be purchased cautiously as seed mixes may contain nonnative or undesirable species intentionally or via contamination, and other types of planting stock may originally come from distant regions and be genetically unsuitable or even misidentified.

- Although purple loosestrife and nonnative common reed (*Phragmites australis* ssp. *australis*) are nonnative, they are not necessarily adverse to biodiversity including water and marsh birds (see Kiviat 2013). However, it should be decided in advance how to respond in the likelihood that these species will establish spontaneously.

- Extensive, vegetated, marshy shallows interspersed with sheltered pools and channels are favorable for many wildlife actitivies including refuge during windy or very hot weather, as well as nesting and foraging. Choice of species to plant will depend in part on water chemistry. Although Hoosic soils can be acidic at the surface, Hudsonia's experience with Hoosic terrain at the Arlington High School Blanding's turtle habitat construction project (Kiviat et al. 2004) indicates that at least in some areas the associated groundwater can be circumneutral and low in plant macronutrients which may be desirable chemistry for a constructed lake. (Allowing spontaneous development of vegetation is an option for part or all of the shallow lake habitats.)

- Although muskrat and beaver activity may sometimes result in damage to waterbody banks or outlets, and to plantings, the lodges and burrows created by these species are important microhabitats for many kinds of birds, mammals, herpetofauna, and plants. Beaver and muskrat are generally desirable in a lake.

- A walking trail or observation blinds on the banks should be limited to small areas so as not to cause disturbance over the whole lake.

- Protect the intermittent woodland pools near the lake site (see Figure 1). Use temporary fencing to confine equipment and vehicles to the work area. Some animals will use both the pools and the lake, and the pools are crucial habitats for a number of invertebrates and herpetofauna.

- Minimize removal of woody vegetation for the lake bed. Woody vegetation and associated soils are important for carbon storage.

- Core wetland habitat may be constructed for Blanding's turtles but this is a complex and potentially costly project (see Kiviat et al. 2004). It should not be undertaken lightly.

- Any habitat construction project should have an approach to manage undesirable plant species that may already be near the site or may come in spontaneously or via nursery materials or stuck to vehicles and construction equipment. It may be appropriate to require that construction equipment be cleaned prior to entering the site.

Conclusion

The proposed lake site seems like a relatively good location for a constructed lake, if the habitat needs of Blanding's turtle, spotted turtle, marsh and water birds, and other desirable wildlife are met. The ideas outlined, if of interest, can be discussed in more detail and refined.

References Cited

Bock, H. 2007. Blanding's turtle (*Emydoidea blandingii*) nesting habitat at a wetland mitigation site in Dutchess County, New York. MS thesis, Antioch University New England.

Dowling, Z., T. Hartwig, E. Kiviat and F. Keesing. 2010. Experimental management of nesting habitat for the Blanding's turtle (*Emys blandingii*). Ecological Restoration. 28(2):154-159.

Fisher, D.W. and A.S. Warthin. 1976. Stratigraphic and structural geology in western Dutchess County, New York. P. B-6-1 to B-6-36 in J.H. Johnsen, ed. Field Guide Book New York State Geological Association 48th Annual Meeting Vassar College Poughkeepsie, New York October 15-16, 1976.

Kiviat, E. 1997. Blanding's turtle habitat requirements and implications for conservation in Dutchess County, New York. P. 377-382 in J. Van Abbema, ed. Proceedings: Conservation, Restoration, and Management of Tortoises and Turtles - an International Conference. New York Turtle and Tortoise Society and Wildlife Conservation Society Turtle Recovery Program.

Kiviat, E. 2013. Ecosystem services of *Phragmites* in North America with emphasis on habitat functions. AoB Plants 2013, doi: 10.1093/aobpla/plt008. 29 p.

Kiviat, E. and G. Stevens. 2001. Biodiversity assessment manual for the Hudson River estuary corridor. New York State Department of Environmental Conservation, New Paltz, New York. 508 p.

Kiviat, E., G. Stevens, K.L. Munger, L.T. Heady, S. Hoeger, P.J. Petokas and R. Brauman. 2004. Blanding's turtle response to wetland and upland habitat construction. P. 93-99 in C. Swarth, W. Roosenberg and E. Kiviat, eds. Conservation and Ecology of Turtles of the Mid-Atlantic Region; A Symposium. Bibliomania, Salt Lake City, Utah.

Tollefson, J. and G. Stevens. 2004. Significant habitats in the Town of Washington, Dutchess County, New York. Report to the Millbrook Tribute Garden, the Dyson Foundation, the Town of Washington, and the Dutchess Land Conservancy. Hudsonia, Annandale, NY. Available from https://hudsonia.org/wp-content/uploads/2019/05/Significant-Habitats-in-the-Town-of-Washington_with-Addendum.pdf

USDA (U.S. Department of Agriculture). 2021. Web soil survey. Available at https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx

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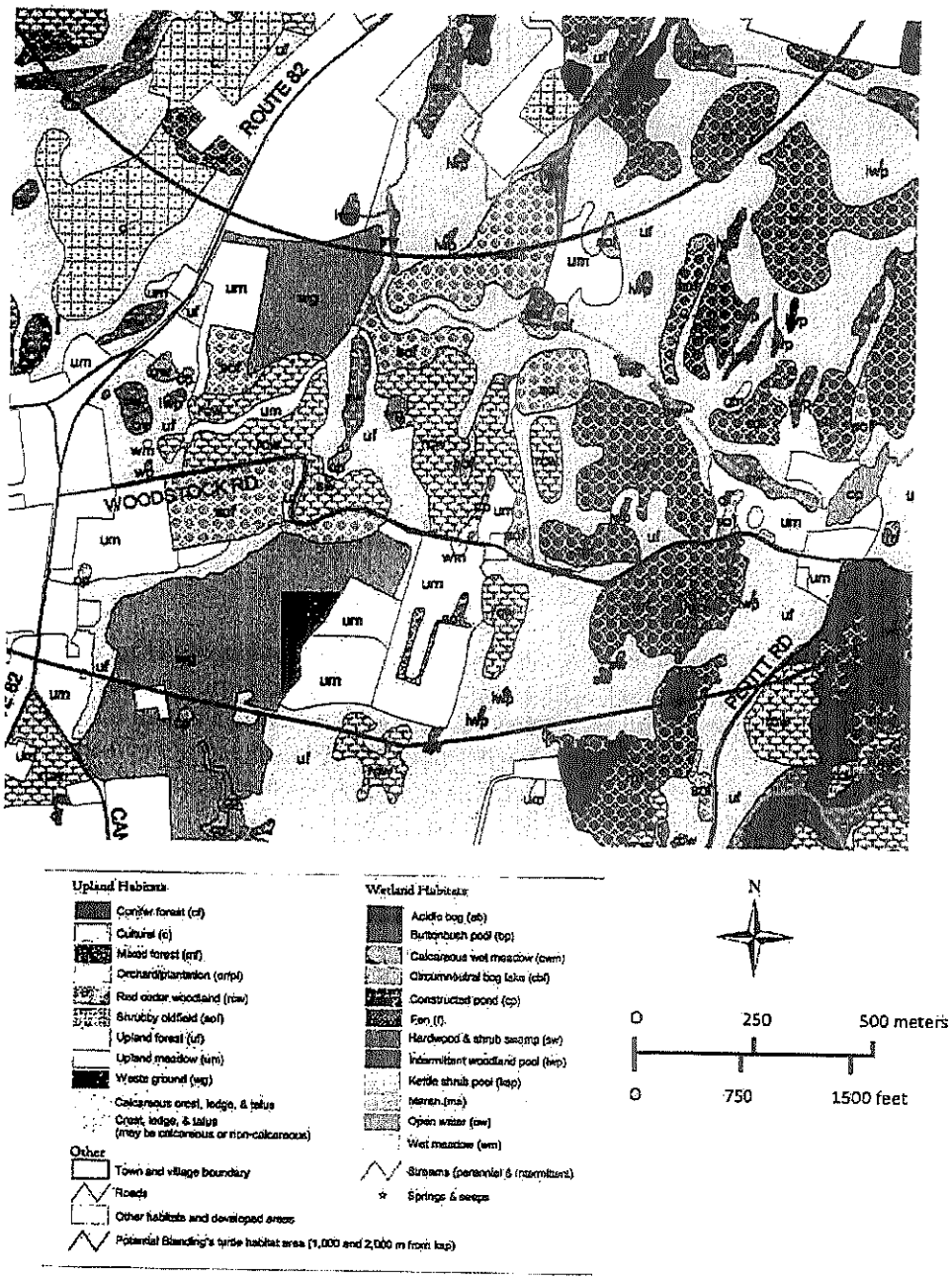

Figure 1. Portion of Hudsonia habitat map of the Town of Washington (from Tollefson and Stevens 2004). The two curved purple lines are the 1000 m (northern line) and 2000 m (southern line) radius from a kettle shrub pool that is a potential core wetland habitat for the Blanding's turtle northwest of Route 82. The two large brown wg patches are soil mines, with the northern and smaller one the former, reclaimed mine discussed in the present report.

Town of Washington

TOWN OF WASHINGTON
BUILDING, PLANNING & ZONING
10 Reservoir Dr, PO Box 667
Millbrook, NY 12545
845-677-3419

Consent to Inspection

The undersigned, does hereby state:

Chatillon Realty Corp., 225 Woodstock Road, Millbrook, and _____

Owner Name Owner Name

That the undersigned is/are the owner(s) of the premises in Town of Washington, located at

133 Woodstock Road, Millbrook, Town of Washington

which is shown and designated on the Dutchess County Tax Map as:

6666 - 00 - 110182 - _____

That the undersigned (has) (have) filed, or cause to be filed, an application with the Town of Washington for the following:

_____ Assessment Review _____ Building Permit

_____ Municipal Search _____ Planning Board Application

X Zoning Board of Appeals Application

That the undersigned do(es) hereby give consent to representatives of the Town of Washington, including but not limited to the Building Inspector, Zoning Administrator, or Assessor of the Town of Washington to enter upon the above described property, including any and all buildings located thereon, to conduct such inspections as they may deem necessary with respect to the aforesaid application, including inspections to determine that said premises comply with all of the laws, ordinances, rules, and regulations of the Town of Washington. The time and date of the inspection will be scheduled in advance with the property owner or their representative. **Failure to schedule an inspection will delay your project.**

That the undersigned, in consenting to such inspections, does so with the knowledge and understanding that any information obtained will be used in conjunction with the application, and may delay your application if violations of the laws, ordinances, rules or regulations of the Town of Washington have been identified, and that your assessment may be increased based upon information found in the site inspection.

Contact person for inspection: Christopher B. Mailman

Phone Number to schedule inspection: 917-763-4343

Signature Signature

Christopher B. Mailman

Print Name Print Name

Dated: 4/23/21 Dated: _____

PAUL E. DENBAUM
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02E6245957
Qualified in Putnam County
Commission Expires August 8, 2023

RESOLUTION TO PURCHASE
CHATILLON REALTY CORPORATION

We, **BRUCE W. ADDISON AND CHRISTOPHER B. MAILMAN,** the undersigned, the majority Stockholders and Officers of Chatillon Realty Corporation. (hereinafter, the "Company"), hereby certify that the Company is validly existing domestic business corporation in good standing within the State of New York. We further certify that attached hereto are true and complete copies of the Certificate of Incorporation and By-Laws of the Company.

We further certify that the Resolutions herein below are adopted by the Company pursuant to the procedures set forth in the Company's Certificate of Incorporation and/or By-Laws.

IT IS HEREBY RESOLVED that Chatillon Realty Corporation, is a validly existing domestic business corporation in good standing within the State of New York, which has duly recommended and authorized that Christopher B. Mailman, Cara A. Whalen, Esq., or Paul E. Denbaum, Esq. be and are authorized to execute, acknowledge, accept and deliver on behalf of and for the Company such documents, agreements, instruments, certificates and statements as may be necessary and/or appropriate in order to consummate the purchase of real property, known as 133 Woodstock Road, Town of Washington, Dutchess County, New York, also known by Tax Grid No. 135889-6666-00-110182 (the "Premise"), and to do all other acts required on behalf of the Company relating to same; and

IT IS FURTHER RESOLVED that any and all acts authorized pursuant to these Resolutions are hereby ratified and approved by the Company, that these Resolutions shall remain in full force and effect and that the governing court, municipality, and Title Company may rely on these Resolutions until such time as written notice of their revocation shall have been received by the Title Company; and

IT IS FURTHER RESOLVED that either Christopher B. Mailman, as President of the Company, Cara A. Whalen, Esq., as Agent, or Paul E. Denbaum, Esq., as Agent, is duly authorized to act on behalf of the Company herein; that the foregoing Resolutions now stand of record on the books of the Company; and that the Resolutions are in full force and effect and have not been modified or revoked in any manner whatsoever.

IT IS FURTHER RESOLVED, that this Resolution may be executed in any number of counterparts. Each such counterpart shall for all purposes be deemed to be an original, and all such counterparts shall together constitute and be but one and the same instrument. Facsimile signatures, electronic signatures, or scanned signatures sent by e-mail shall bind the parties and can be considered an original.

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IN WITNESS WHEREOF, We attest to the truth and accuracy of the above representations this 30th day of December, 2020.

CHATILLON REALTY CORPORATION

DocuSigned by:

By: Bruce Addison

Bruce W. Addison,
Stockholder/Chairman/Secretary

DocuSigned by:

By: _____

Christopher B. Mailman,
Stockholder/President/Treasurer

Town of Washington

TOWN OF WASHINGTON
BUILDING DEPARTMENT
10 Reservoir Dr, PO Box 667
Millbrook, NY 12545
845-677-3419

PLEASE NOTE: If ownership is held by a corporation, LLC, jointly or in partnership, each owner and/or partner must sign a separate owner's endorsement. If the owner or owners are making the application, this endorsement is not required.

OWNER'S ENDORSEMENT

STATE OF NEW YORK)
COUNTY OF _____) ss:

Christopher B. Mailman, being duly sworn, deposes and says:

I am: (check one)

____1.	the sole owner in fee (One individual on the tax roll)
____2.	a part owner in fee (Two or more individuals on the tax roll)
X 3.	an officer of the corporation which is the owner in fee of the premises described in the foregoing application.
____4.	designated party authorized to act pursuant to a trust or legal document. (Trustees listed on tax roll)
____5.	member/owner(s) of Limited Liability Corporation (LLC).

(If you checked #3, #4 or #5, please provide proof of legalee (ie: Corporate Resolution, Surrogate Letter, Executor of the Will, Certified Letter of Testamentary, Letter of Administration, Attorney-Opinion Letter, Letter or Probate, Power of Attorney, etc.)

I reside at 225 Woodstock Road

City Millbrook State NY Zip 12545

I have authorized (name) Joshua E. Mackey, Esq.

(Company) Mackey Butts & Wise LLP to make the foregoing application to the Town of Washington for approval as described herein for the property located at 133 Woodstock Road, Millbrook, NY 12545

property ID # 6666 - 00 - 110182 - _____.

Signature

Chatillon Realty Corp., President
If owner is a corporation, please indicate name of corporation and title of the corporate officer whose signature appears above. Sworn to before me this

23 day of April, 2021.

Notary Public

Notary Stamp:

PAUL E. DENBAUM
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02E6245957
Qualified in Putnam County
Commission Expires August 8, 2023

(00259508 1)

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Mailman Conservation Preservation Area Project		
Project Location (describe, and attach a general location map): The Subject Property is located at 133 Woodstock Road, Town of Washington, Dutchess County, New York (#135889-6666-00-110182-0000, 162.7-acres)		
Brief Description of Proposed Action (include purpose or need): Project to re-adapt an approximately 35-acre former mine site, which is part of a larger 162.7-acre parcel, for creation of a conserved area of woodland and meadow and including a 20-acre aquatic habitat consisting of open water and shallow wetland areas for maximum biodiversity (Figure 1). The intention is to return the former mine site to productive habitat, including improvements to visual splendor and creation of ecological opportunities for native species.		
Name of Applicant/Sponsor: Chatillon Realty Corporation (Christopher B. Mailman)	Telephone: 917 763-4343 E-Mail: cmailman@chatillonrealty.com	
Address: 133 Woodstock Road		
City/PO: Millbrook, NY	State: NY	Zip Code: 12545
Project Contact (if not same as sponsor; give name and title/role): Mark A. Williams, P.G.	Telephone: 518-222-6616 E-Mail: mark.williams@sterlingenvironmental.com	
Address: 24 Wade Road		
City/PO: Latham	State: NY	Zip Code: 12110
Property Owner (if not same as sponsor): <<Same as Sponsor>>	Telephone: E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	**If Yes: Identify Agency and Approval(s) Required**	**Application Date (Actual or projected)**
a. City Counsel, Town Board, or Village Board of Trustees ☐Yes☑No		
b. City, Town or Village Planning Board or Commission ☑Yes☐No	Wetlands and Watercourse Permit	May 14, 2021 (Projected)
c. City, Town or Village Zoning Board of Appeals ☑Yes☐No	Use Variance	April 23, 2021 (Actual)
d. Other local agencies ☐Yes☑No		
e. County agencies ☐Yes☑No		
f. Regional agencies ☐Yes☑No		
g. State agencies ☑Yes☐No	NYSDEC Mining Permit	May 14, 2021 (Projected)
h. Federal agencies ☐Yes☑No		

i. Coastal Resources.

i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐Yes☑No

ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐Yes☑No

iii. Is the project site within a Coastal Erosion Hazard Area? ☐Yes☑No

C. Planning and Zoning

C.1. Planning and zoning actions.

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☑Yes☐No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

C.2. Adopted land use plans.

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☑Yes☐No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐Yes☑No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐Yes☑No

If Yes, identify the plan(s):

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐Yes☑No

If Yes, identify the plan(s):

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☑ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
RL-5 (Low Density Residential)

b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☑ No

c. Is a zoning change requested as part of the proposed action? ☑ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? Allow Proposed Action as an acceptable use.

C.4. Existing community services.

a. In what school district is the project site located? Millbrook CSD

b. What police or other public protection forces serve the project site?
Dutchess County Sheriff and New York State Police

c. Which fire protection and emergency medical services serve the project site?
Millbrook Fire Department

d. What parks serve the project site?
N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Conservation Area (Open Space).

b. a. Total acreage of the site of the proposed action? 162.70 acres
b. Total acreage to be physically disturbed? 34.09 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 303.06 acres

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☑ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☑ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will the proposed action be constructed in multiple phases? ☐ Yes ☑ No
i. If No, anticipated period of construction: >12 months
ii. If Yes:
- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year
- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? ☐Yes ☑No
If Yes, show numbers of units proposed.

	One Family	Two Family	Three Family	Multiple Family (four or more)
Initial Phase				
At completion of all phases				

g. Does the proposed action include new non-residential construction (including expansions)? ☐Yes ☑No
If Yes,
i. Total number of structures _____
ii. Dimensions (in feet) of largest proposed structure: _____height; _____width; and _____length
iii. Approximate extent of building space to be heated or cooled: _____ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☑Yes ☐No
If Yes,
i. Purpose of the impoundment: Create a conservation area of woodland and meadow, incl. a 20-acre aquatic habitat (open water/shallow wetlands)
ii. If a water impoundment, the principal source of the water: ☑ Ground water ☐ Surface water streams ☐Other specify:
iii. If other than water, identify the type of impounded/contained liquids and their source.
Man-made shallow wetland habitats.
iv. Approximate size of the ~~proposed impoundment~~ pond Volume: 30.2 million gallons; surface area: 14.8 open water acres
v. Dimensions of the proposed ~~dam or impounding structure:~~ pond 14' height; 4,150' length
vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):
Following excavation of sand and gravel the site will be reclaimed with a 20-acre aquatic habitat to maximize biodiversity.

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☑Yes ☐No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)
If Yes:
i .What is the purpose of the excavation or dredging? Create aquatic habitat (open water and shallow wetlands) to maximize biodiversity.
ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?
- Volume (specify tons or cubic yards): up to 2 million tons.
- Over what duration of time? Approximately 10 years.

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.
Sand and gravel. There will be no processing or sale of any excavated material on the site.
iv. Will there be onsite dewatering or processing of excavated materials? ☐Yes ☑No
If yes, describe. _____
v. What is the total area to be dredged or excavated? 34.09 acres
vi. What is the maximum area to be worked at any one time? 34.09 acres
vii. What would be the maximum depth of excavation or dredging? 80 feet
viii. Will the excavation require blasting? ☐Yes ☑No
ix. Summarize site reclamation goals and plan:
The goal of the reclamation is to create a 20-acre aquatic habitat consisting of open water and shallow wetland areas for maximum biodiversity. The intention of the restoration (reclamation plan) is to return the former mine site to productive habitat, including improvements to visual splendor and creation of ecological opportunities for native species.

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☑Yes ☐No
If Yes:
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): There are no water bodies, wetlands, or watercourses, or any associated buffer areas thereof, within the proposed 34.09-acre restoration area. With respect to the ±20-acre aquatic habitat there will be no inlet or outlet connections to any existing water bodies, wetlands, or watercourses.

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:
The size of the pond and shallow wetland areas created at the final restoration phase would increase to approximately 20 acres.

iii. Will the proposed action cause or result in disturbance to bottom sediments? ☐Yes ☑No
If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? ☐Yes ☑No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance:
The proposed project is to return the former mine site to productive habitat, including improvements to visual and ecological opportunities for native species

c. Will the proposed action use, or create a new demand for water? ☐Yes ☑No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐Yes ☐No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No
- Do existing lines serve the project site? ☐Yes ☐No

iii. Will line extension within an existing district be necessary to supply the project? ☐Yes ☐No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐Yes ☐No
If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐Yes ☑No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐Yes ☐No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐Yes ☐No
- Is the project site in the existing district? ☐Yes ☐No
- Is expansion of the district needed? ☐Yes ☐No

- Do existing sewer lines serve the project site? ☐Yes ☐No
- Will a line extension within an existing district be necessary to serve the project? ☐Yes ☐No

  If Yes:
  - Describe extensions or capacity expansions proposed to serve this project: _____

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐Yes ☑No

If Yes:
- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):

_____

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☐Yes ☑No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or _____ acres (impervious surface)

_____ Square feet or _____ acres (parcel size)

ii. Describe types of new point sources. _____

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

_____

- If to surface waters, identify receiving water bodies or wetlands: _____
- Will stormwater runoff flow to adjacent properties? ☐Yes ☐No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☐Yes ☐No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☑Yes ☐No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

Trackhoes, loaders, and water tuck.

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

N/A

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

N/A

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐Yes ☑No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐Yes ☐No

ii. In addition to emissions as calculated in the application, the project will generate:
- _____ Tons/year (short tons) of Carbon Dioxide (CO_2)
- _____ Tons/year (short tons) of Nitrous Oxide (N_2O)
- _____ Tons/year (short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year (short tons) of Sulfur Hexafluoride (SF_6)
- _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflourocarbons (HFCs)
- _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐Yes ☑No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☑Yes ☐No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):

Diesel exhaust and particulates/dust.

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐Yes ☑No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐Weekend ☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐Yes ☐No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐Yes ☐No

vii Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐Yes ☐No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐Yes ☐No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐Yes ☑No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):

iii. Will the proposed action require a new, or an upgrade, to an existing substation? ☐Yes ☐No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: 8:00 AM to 5:00 PM
- Saturday: 8:00 AM to 2:00 PM
- Sunday: N/A
- Holidays: N/A

ii. During Operations:

- Monday - Friday: N/A
- Saturday: N/A
- Sunday: N/A
- Holidays: N/A

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☑ No

If yes:

i. Provide details including sources, time of day and duration:

_____

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe: _____

n. Will the proposed action have outdoor lighting? ☐ Yes ☑ No

If yes:

i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

_____

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No

Describe: _____

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☑ No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☑ No

If Yes:

i. Product(s) to be stored _____

ii. Volume(s) _____ per unit time _____ (e.g., month, year)

iii. Generally, describe the proposed storage facilities: _____

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☑ No

If Yes:

i. Describe proposed treatment(s):

_____

ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☑ No

If Yes:

i. Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction: _____
- Operation: _____

iii. Proposed disposal methods/facilities for solid waste generated on-site:

- Construction: _____
- Operation: _____

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☑ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☑ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☐ Commercial ☑ Residential (suburban) ☑ Rural (non-farm)
☑ Forest ☐ Agriculture ☐ Aquatic ☑ Other (specify): Open space and sand and gravel mine (Route 82 Sand and Gravel).

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0.1	0.1	0.0
• Forested	132.7	111.0	-21.7
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	12.7	14.4	+1.7
• Agricultural (includes active orchards, field, greenhouse etc.)	14.5	14.5	0.0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0.7	15.5	+14.8
• Wetlands (freshwater or tidal)	2.0	7.2	+5.2
• Non-vegetated (bare rock, earth or fill)	0.0	0.0	0.0
• Other Describe: _____			

c. Is the project site presently used by members of the community for public recreation? ☐Yes ☑No

i. If Yes: explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐Yes ☑No

If Yes,

i. Identify Facilities:

_____

_____

e. Does the project site contain an existing dam? ☐Yes ☑No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

ii. Dam's existing hazard classification: _____

iii. Provide date and summarize results of last inspection:

_____

_____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐Yes ☑No

If Yes:

i. Has the facility been formally closed? ☐Yes ☐ No

- If yes, cite sources/documentation: _____

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:

_____

_____

iii. Describe any development constraints due to the prior solid waste activities: _____

_____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐Yes ☑No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:

_____

_____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐Yes ☑ No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐Yes ☐No

☐ Yes – Spills Incidents database Provide DEC ID number(s): _____

☐ Yes – Environmental Site Remediation database Provide DEC ID number(s): _____

☐ Neither database

ii. If site has been subject of RCRA corrective activities, describe control measures: _____

_____

_____

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐Yes ☑No

If yes, provide DEC ID number(s): _____

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):

_____

_____

v. Is the project site subject to an institutional control limiting property uses? ☐Yes ☑No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐Yes ☐No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? 0 - 75 (subject parcel feet

b. Are there bedrock outcroppings on the project site? ☑Yes ☐No
If Yes, what proportion of the site is comprised of bedrock outcroppings? 5 to 10 %

c. Predominant soil type(s) present on project site:

Hoosic Gravelly Loam	98 %
Wappinger Loam	2 %
	%

d. What is the average depth to the water table on the project site? Average: 8 to 70 feet

e. Drainage status of project site soils:
☑ Well Drained: 100 % of site
☐ Moderately Well Drained: ____ % of site
☐ Poorly Drained ____ % of site

f. Approximate proportion of proposed action site with slopes:
☑ 0-10%: 33 % of site
☑ 10-15%: 46 % of site
☑ 15% or greater: 21 % of site

g. Are there any unique geologic features on the project site? ☐Yes ☑No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☑Yes ☐No

ii. Do any wetlands or other waterbodies adjoin the project site? ☑Yes ☐No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☑Yes ☐No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 857-105 Classification C
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size 2.01 acres/162.7 acres
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐Yes ☑No

If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐Yes ☑No

j. Is the project site in the 100-year Floodplain? ☐Yes ☑No

k. Is the project site in the 500-year Floodplain? ☐Yes ☑No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☑Yes ☐No
If Yes:
i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site:

Fescue	Pine	Field sparrow
Clover	Red Oak	Gray squirrel
Cedar	Groundhog	Rye grass

n. Does the project site contain a designated significant natural community? ☐Yes ☑No

If Yes:

i. Describe the habitat/community (composition, function, and basis for designation): _____

ii. Source(s) of description or evaluation: _____

iii. Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐Yes ☑No

If Yes:

i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐Yes ☑No

If Yes:

i. Species and listing: _____

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☑Yes ☐No

If yes, give a brief description of how the proposed action may affect that use: _____

The intention of the proposed action is to create productive habitat by creating ecological opportunities of native species.

E.3. Designated Public Resources On or Near Project Site

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☑Yes ☐No

If Yes, provide county plus district name/number: DUTC021

b. Are agricultural lands consisting of highly productive soils present? ☐Yes ☑No

i. If Yes: acreage(s) on project site? _____

ii. Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐Yes ☑No

If Yes:

i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐Yes ☑No

If Yes:

i. CEA name: _____

ii. Basis for designation: _____

iii. Designating agency and date: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? ☐ Yes ☑ No

If Yes:

i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based:

_____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? ☐ Yes ☑ No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? ☐ Yes ☑ No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within fives miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? ☑ Yes ☐ No

If Yes:

i. Identify resource: Taconic State Parkway

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): Scenic byway; mature trees and bedrock-controlled ridges block any views of the proposed action.

iii. Distance between project and resource: 0.85 miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? ☐ Yes ☑ No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

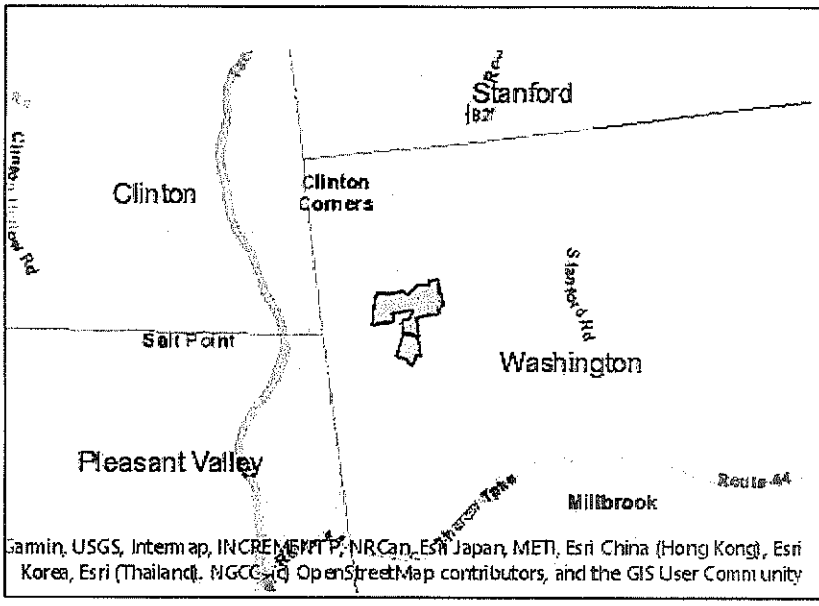
Applicant/Sponsor Name Chatillon Realty Corp (Christopher B. Mailman) Date March 10, 2021

Signature _____ Title Owner

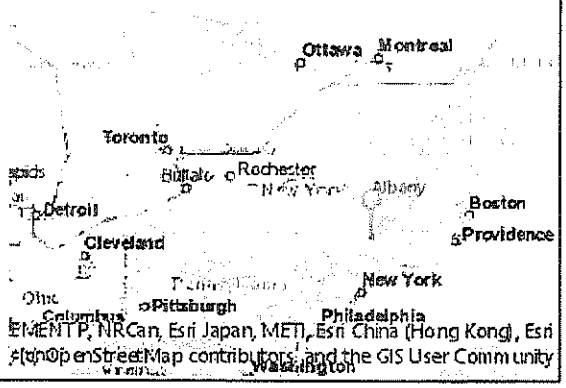
PRINT FORM

EAF Mapper Summary Report

Wednesday, March 10, 2021 6:40 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	No
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	857-105
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No

E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	No
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	Yes
E.3.a. [Agricultural District]	DUTC021
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No