

**TIM  
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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,

A handwritten signature in cursive script, appearing to read "Steve Marino".

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