



Town of Washington  
Conservation Advisory Commission

Date: June 4, 2025

To: TOW Planning Board

Cc: Aaron Werner, AKRF; Steve Marino, Town Wetland Consultant

From: TOW Conservation Advisory Commission

Re: Application for Wetlands and Watercourse Permit, 443 Valley Farm Road

The Town of Washington (TOW) Conservation Advisory Commission (CAC) is following up on its letter of April 4, 2025, to comment on the Stormwater Drainage Report dated May 19, 2025, submitted as part of the above-referenced application, and the proposed rain garden to address stormwater runoff, also dated May 19, 2025.

After reviewing the report and garden proposal, we continue to believe that the wetlands permit should not be issued. The report and proposal do not demonstrate that the stormwater problem will be fully addressed; in fact the proposal tries to remediate only part of the runoff resulting from the structure. The rainwater garden is an impermanent feature that can easily be damaged and requires long-term ongoing monitoring and maintenance to be effective; we believe that rainwater gardens are better used to improve already degraded wetlands than as part of new construction in the wetlands buffer. The proposed rain garden only accounts for maximum runoff over a projected 10-year period, and as we know, unusual flooding events are becoming more frequent and rainfall is becoming more unpredictable. As we stated in our letter of April 4, 2025, we continue to believe that the applicant has not demonstrated that there is no reasonable alternative to the proposed addition, as required by the Town of Washington Zoning Code.

We also want to clarify that the regulatory analysis in the report is not intended to address the wetlands permit issue or the new wetlands regulations. Page 4 of the report indicates that a general NYSDEC stormwater permit is not required for the construction activity phase, but that permitting process is unrelated to wetlands; it applies to construction anywhere. The project is not grandfathered from the new wetlands regulations and we have not seen any exemptions for smaller projects, although the regulations are still new. We continue to urge the applicant to seek a jurisdictional determination from the state or go through the wetlands permitting process.

Finally, as noted in our letter of April 4, more documentation information on septic systems and potential wetlands damage from construction activity is required. While the site plans

contain some notes on construction practices, the impact of the construction phase is not fully addressed in the narrative of the report and we think that more detail is recommended.

We appreciate the opportunity to provide these comments, and we hope they have been helpful.