

DRAFT

Date: July X, 2025

To: Town of Washington (TOW) Planning Board

Cc: TOW Town Board; Steve Marino, Tim Miller Associates, Inc; Aaron Werner, AKRF

From: TOW Conservation Advisory Commission (CAC)

Re: Killearn Road Project

We are writing with regard to the Town Board's application to the Planning Board dated March 14, 2025, regarding proposed road project for Killearn Road (PB Application) and related Application for Wetland Permit dated June 18, 2025 (Wetland Application). We have also reviewed Steve Marino's memo to the Planning Board dated July 1, 2025, and AKRF's memo to the Planning Board dated June 25, 2025 (the AKRF Memo). We have also reviewed the 28-page draft plans named "Killearn Road Improvements" submitted by Collier Engineering & Design Inc. (Collier) posted on the Planning Board website, with a print date of May 8, 2025 (the Plans). Two CAC members also traveled the length of Killearn Road on July 10, 2025.

We understand that the Town has thought carefully about its options for Killearn Road and has settled on a resolution. Our overall concern, which is echoed in both Mr. Marino's memo and the AKRF Memo, is that the Plans, the PB Application, and the Wetland Application have no specific information on how the necessary environmental protections will be implemented. As a result, we do not think that the Planning Board should approve the PB Application or the Wetland Application until more information is received and has been reviewed and considered by the consultants and the CAC.

The Planning Board should insist on much more detail on how roadside vegetation, mature trees, and adjacent wetlands will be protected and/or impacted. This is especially concerning as Collier has had two rounds of comments from AKRF and still has not submitted appropriate levels of detail. We would also expect that the Town Board and Planning Board would have contractual commitments from Collier to abide by the agreed upon approach to protecting vegetation, trees, and wetlands, and that there would be contractual penalties for noncompliance. We agree with Mr. Marino that he should be present during the construction phase to monitor, but he should be supported in his efforts through contractual provisions.

We suggest that the Planning Board focus on four areas as it seeks more detail.

- The first relates to the construction of additional road ditches. We note that **new** road ditches will be created under the project over a parcel size of 19.25 acres, according to page 6 of the Full Environmental Assessment Form. These ditches are separate from the road, which covers an area of 8.16 acres, according to the EAF. It would be very helpful to understand how much new impervious surface will be created by these new ditches and what will happen to the runoff. It's possible that the new ditches total 0.5 acres as noted on page 9 of the EAF, which is significant.
- The second area relates to the clearing of 0.7 acres of roadside vegetation, as noted on the EAF. The planning Board should obtain more information regarding where the clearing will occur and whether the clearing is necessary, as also noted in the AKRF Memo.
- The information supplied to date does not include any information on the construction materials to be used and whether they would have any adverse environmental impact.
- Finally, as noted in Mr. Marino's memo, the maps or Plans should supply more information on where the wetlands disturbances will occur and what type of protection will be provided. Although the Applications state that less than 125 sq ft of wetlands will be disturbed, we note the presence of wetlands along much of Killearn Road, so we wonder how the impact will be so limited. We also note that the Plans are in draft form, and we wonder what if any changes may be forthcoming.

The comments above on minimizing impact to roadside vegetation and mature trees reflect the Planning Board's mandate to "minimize impact on roadside vegetation, including but not limited to trees, shrubs and wildflowers;" in the case of scenic roads, under Town Zoning Code 165-54.G(5)(b)[2][g].

We note the presence of federally regulated wetlands near the north end of Killearn Road and the associated legal requirement to notify the US Army Corps of Engineers. Given that construction is not expected to commence until 2026 and the high local profile of the project, we would think that the Town would want to take the time to issue the proper federal notices. Similarly, although NYSDEC may be unlikely to assert jurisdiction as Mr. Marino notes, the Town may put itself on better footing if it follows the letter of the May 2025 FAQs (Q&A6) issued by NYSDEC and seeks a Parcel JD. The New York State Environmental Resources Mapper notes the probable presence of wetlands along much of Killearn Road, and the wetlands could be large enough to attract NYSDEC attention. A sample from the mapper is attached.

We hope these comments have been helpful.