



# TOWN OF CORTLANDT

LINDA D. PUGLISI  
Town Supervisor

OFFICE OF THE SUPERVISOR  
TOWN HALL  
1 HEADY STREET  
CORTLANDT MANOR, NY 10567-1254  
(914) 734-1002  
FAX (914) 734-1003  
[www.townofcortlandt.com](http://www.townofcortlandt.com)

**Town Board Members**  
RICHARD H. BECKER  
DEBRA A. COSTELLO  
JAMES F. CREIGHTON  
FRANCIS X. FARRELL

May 11, 2021

Lance MacMillan, P.E.  
NYS DOT – Regional Director  
50 Wolf Road  
Albany, NY 12232

**RE: Request for Assistance and Funding  
Westchester Lake Dam NYSDEC ID#213-0412  
Situated in the Town of Cortlandt, Westchester County, New York, 10567**

Dear Regional Director MacMillan,

I am sending you this letter on behalf of the residents of Wallace Pond / Westchester Lake to request financial assistance for the reconstruction of the Westchester Lake Dam. The Town of Cortlandt has previously contacted your office requesting assistance. The Dam is located in the northwest portion of the Town of Cortlandt near the intersection of Jean Drive and US Route 9 / Albany Post Road. The Dam was constructed in the 1920's and impounds what is known as Wallace Pond / Westchester Lake.

The land surrounding the dam and lake was purchased, subdivided and privately developed with single family homes in the 1950's. The Dam is privately owned by the Westchester Lake Homeowners Association. Over time the homeowners association has not been able to fund or maintain it due to the magnitude of the costs to repair.

On December 11, 2020 the NYSDEC Division of Dam Safety issued a Notice of Violation (NOV) for Westchester Lake Dam DEC ID#213-0412. The NOV was forwarded to the last known contact of the HOA and the Town copied as is NYSDEC policy to notify the municipality in which a dam is physically located. The violation assigns a condition rating of "Unsound" and has increased the hazard classification to Class C. Failure to address this violation may lead to the NYSDEC removing the dam and by extension Wallace Pond / Westchester Lake, adversely altering the recreational and ecological value of the lake and community characteristic of the neighborhood.

Residents of the area have petitioned the Town Board and I to act on their behalf in the restoration of the dam. Even though the Town does not own the Dam, The Town Board and I agreed to assist where applicable. The Town recently retained Schnabel Engineering in the amount of \$160,000 to prepare a preliminary design and estimate for the reconstruction of the dam in order comply with the requirements of the New State Department of Environmental Conservations (NYSDEC) Dam Safety Program, 6 NYCRR Part 673 "Dam Safety".

Past costs to reconstruct the dam ranged from \$800,000 - \$3,200,000. It is expected that the reconstruction costs will be in the multimillion-dollar range. The Town's Consultant will prepare a revised estimate more accurately identifying the potential construction cost, in order to begin the formation of a Parks District to equitably distribute cost. Parcels that were part of the original Westchester Lake Subdivision that benefit and contribute runoff to the lake will be included in the proposed district. Without financial assistance, the total cost and annual assessment is far more than the residents can afford.

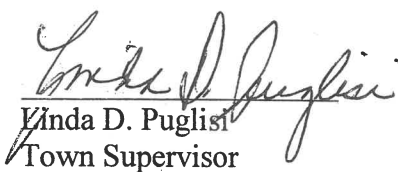
Town Staff has continually monitored and petitioned for County, State and Federal funding sources to assist in the repair and restoration of the dam. Since our last request, only one grant through the Federal Emergency Management Agency's (FEMA) High Hazard Potential Dam (HHPD) grant program has recently become available. While this grant is helpful, it maxes out at \$100,000 for design with only \$650,000 being made available statewide.

Reconstruction of the lake and any potential financial assistance will also preserve the functionality of the lake itself, as it is an environmentally sensitive habitat, which is strategically located in an area rich in significance and history, being the Hudson Highway Gateway Park. Westchester Lake / Wallace Pond is part of the estuary system that feeds into the Annsville Creek and Hudson River. It is currently on the NYSDEC's Section 303(d) list of impaired/TMDL waters due to excessive phosphorus. The Town has and will continue to monitor, evaluate and attempt to secure funding to improve the overall health of the lake and to reconstruct the Dam.

This dam should be of increased importance to DOT, as the Dam's classification has been recently changed to "Class C"; high hazard and Route 9 is directly downstream of the dam. *The Town of Cortlandt is requesting that the NYSDOT financially assist the Town and community in protecting Route 9 by contributing to its replacement.* At the very least we request that you provide a letter of support to assist the Town in securing the necessary grants to reconstruct the dam.

Thank you for your time and assistance in this matter. Additional information is available on the Town's website, [www.townofcortlandt.com/projects](http://www.townofcortlandt.com/projects) (scroll to Westchester Lake / Wallace Pond).

Respectfully,

  
Linda D. Puglisi  
Town Supervisor

Att: TB Resolution  
Dec. 2020 DEC Violation  
Watershed Map  
Location Map

Cc: Town Board  
Laroue Shatzkin – Town Clerk  
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FRANCIS X. FARRELL

May 13, 2021

Honorable Catherine Borgia  
800 Michaelian office Building  
148 Martine Avenue, 8<sup>th</sup> Fl.  
White Plains, NY 10601

**RE: Request for Funding**  
**Westchester Lake Dam NYSDEC ID#213-0412**  
**Situated in the Town of Cortlandt, Westchester County, New York, 10567**

Dear Legislator Borgia,

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Residents of the area have petitioned the Town Board and I to act on their behalf in the restoration of the dam. Even though the Town does not own the Dam, The Town Board and I agreed to assist where applicable. The Town recently retained Schnabel Engineering in the amount of \$160,000 to prepare a preliminary design and estimate for the reconstruction of the dam in order comply with the requirements of the New State Department of Environmental Conservations (NYSDEC) Dam Safety Program, 6 NYCRR Part 673 "Dam Safety".

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The Town has also contacted the NYSDOT in an effort for the agency to share in the cost of reconstruction. This dam should be of importance to DOT, as the Dam's classification has been changed to "Class C"; high hazard) and Route 9 is directly downstream of the dam.

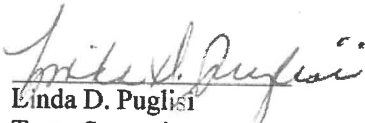
We are requesting letters of support to assist in securing the available grant and are petitioning additional funds be provided to assist.

Reconstruction of the lake and any potential financial assistance will also preserve the functionality of the lake itself as it is an environmentally sensitive habitat, which is strategically located in an area rich in significance and history, being the Hudson Highway Gateway Park. Westchester Lake / Wallace Pond is part of the estuary system that feeds into the Annsville Creek and Hudson River. It is currently on the NYSDEC's Section 303(d) list of impaired/TMDL waters due to excessive phosphorus. The Town has and will continue to monitor, evaluate and attempt to secure funding to improve the overall health of the lake and to reconstruct the dam.

The Town also requests that New York State Division of Military and Naval Affairs contribute to the reconstruction of the dam and future watershed projects. Camp Smith is in the immediate vicinity of the lake and dam. Camp Smith is partially located in the watershed and tributary that discharges to the lake. The Town would like to work cooperatively with the State in ensuring storm water runoff is properly treated and does not contribute to the various pollutants of concern that impact the lake.

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Linda D. Puglisi  
Town Supervisor

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Watershed Map  
Location Map

Cc: Town Board  
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May 13, 2021

Honorable Jamaal Bowman  
6 Gramatan Avenue, STE 205  
Mount Vernon, NY 10550

**RE: Request for Funding  
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Situated in the Town of Cortlandt, Westchester County, New York, 10567**

Dear Congressman Bowman,

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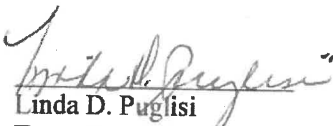
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Linda D. Puglisi  
Town Supervisor

Att: TB Resolution  
Dec. 2020 DEC Violation  
Watershed Map  
Location Map

Cc: Town Board  
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May 13, 2021

Honorable Andrew Cuomo  
Governor  
NYS Capitol Building  
Albany, NY 12224

**RE: Request for Funding  
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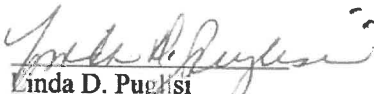
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Town Supervisor

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Watershed Map  
Location Map

Cc: Town Board  
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May 13, 2021

Honorable Kirsten Gillibrand  
780 Third Avenue, STE 2601  
New York, NY 10017 b

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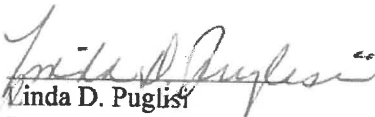
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May 13, 2021

Honorable Peter Harckham  
New York State Senator  
691 Main Street  
Shrub Oak, NY 10588

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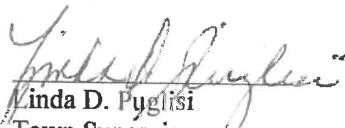
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Respectfully,

  
Linda D. Puglisi  
Town Supervisor

Att: TB Resolution  
Dec. 2020 DEC Violation  
Watershed Map  
Location Map

Cc: Town Board  
Laroue Shatzkin – Town Clerk  
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# TOWN OF CORTLANDT

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**Town Board Members**  
RICHARD H. BECKER  
DEBRA A. COSTELLO  
JAMES F. CREIGHTON  
FRANCIS X. FARRELL

May 13, 2021

Honorable Sandy Galef  
2 Church Street  
Ossining, NY 10562

**RE: Request for Funding**  
**Westchester Lake Dam NYSDEC ID#213-0412**  
**Situated in the Town of Cortlandt, Westchester County, New York, 10567**

Dear Assemblywoman Galef,

I am sending you this letter on behalf of the residents of Wallace Pond / Westchester Lake to request financial assistance for the reconstruction of the Westchester Lake Dam. The Town of Cortlandt has previously contacted your office requesting assistance. The Dam is located in the northwest portion of the Town of Cortlandt near the intersection of Jean Drive and US Route 9 / Albany Post Road. The Dam was constructed in the 1920's and impounds what is known as Wallace Pond / Westchester Lake.

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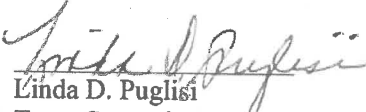
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Linda D. Puglisi  
Town Supervisor

Att: TB Resolution  
Dec. 2020 DEC Violation  
Watershed Map  
Location Map

Cc: Town Board  
Laroue Shatzkin – Town Clerk  
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JAMES F. CREIGHTON  
FRANCIS X. FARRELL

May 13, 2021

Honorable Mondaire Jones  
222 Mamaroneck Avenue, #312  
White Plains, NY 10605

**RE: Request for Funding**  
**Westchester Lake Dam NYSDEC ID#213-0412**  
**Situated in the Town of Cortlandt, Westchester County, New York, 10567**

Dear Congressman Jones,

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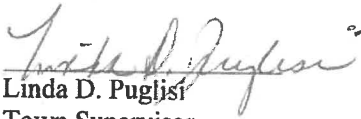
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Linda D. Puglisi  
Town Supervisor

Att: TB Resolution  
Dec. 2020 DEC Violation  
Watershed Map  
Location Map

Cc: Town Board  
Laroue Shatzkin – Town Clerk  
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FRANCIS X. FARRELL

May 13, 2021

Honorable George Latimer  
Westchester County Executive  
900 Michaelian Office Building  
148 Martine Avenue  
White Plains, NY 10601

**RE: Request for Funding  
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Situating in the Town of Cortlandt, Westchester County, New York, 10567**

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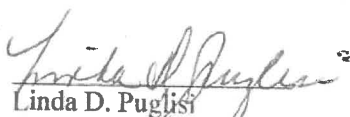
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Linda D. Puglisi  
Town Supervisor

Att: TB Resolution  
Dec. 2020 DEC Violation  
Watershed Map  
Location Map

Cc: Town Board  
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Tom Wood, Esq. – Town Attorney  
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RICHARD H. BECKER  
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FRANCIS X. FARRELL

May 13, 2021

Honorable Charles Schumer  
780 Third Ave STE 2301  
New York, NY 10017

**RE: Request for Funding**  
**Westchester Lake Dam NYSDEC ID#213-0412**  
**Situated in the Town of Cortlandt, Westchester County, New York, 10567**

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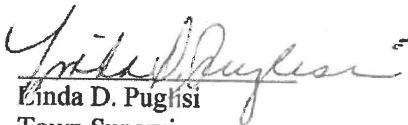
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Town Supervisor

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Dec. 2020 DEC Violation  
Watershed Map  
Location Map

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FRANCIS X. FARRELL

May 13, 2021

Honorable Colin Smith  
800 Michaelian Office Building  
148 Martine Ave. 8<sup>th</sup> Fl.  
White Plains, NY 10601

**RE: Request for Funding**  
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**Situated in the Town of Cortlandt, Westchester County, New York, 10567**

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Linda D. Puglisi  
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Watershed Map  
Location Map

Cc: Town Board  
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# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Flood Protection and Dam Safety  
625 Broadway, Albany, New York 12233-3504  
P: (518) 402-8185 | F: (518) 402-9029  
www.dec.ny.gov

December 11, 2020

Westchester Lake Homes Owner Association  
c/o Donna Giglio  
24 Carolyn Drive  
Cortlandt Manor, New York 10567

Re: Westchester Lake Dam, DEC ID# 213-0412  
Class C – High Hazard Dam  
Town of Cortlandt, Westchester County  
**Condition Rating: “Unsound – Deficiency Recognized”**

## **NOTICE OF VIOLATION**

Dear Ms. Giglio:

**PLEASE TAKE NOTICE THAT** this letter serves to provide you with a Notice of Violation (NOV) setting forth the specific violations of Environmental Conservation Law (ECL) §15-0507 and Title 6 of New York Rules and Regulations (6NYCRR) Part 673 for the Westchester Lake Dam (“Dam”). I am writing you as it is my understanding that you represent the owner of this structure.

### **VIOLATIONS**

1. Failure to operate a dam in a safe condition as the dam is not properly maintained, as revealed in this inspection, in violation of ECL §15-0507 and 6NYCRR Part 673.
2. Having a dam that is assigned a condition rating of “Unsound” as defined in 6NYCRR Part 673.16.
3. Failure to submit an Annual Certification since 2010, as required by 6NYCRR Part 673.8.
4. Failure to update the Emergency Action Plan (EAP), as required by 6NYCRR Part 673.7.

The below compliance schedule lists the required milestones to resolve the noted violations.

1. Within fourteen days of this NOV, drain the reservoir and keep it drained until the below listed milestones have been resolved and the dam rehabilitated or breached; and submit a statement by an owner representative that the impoundment has been emptied and will be kept drained.



2. Within thirty days of this NOV, submit a copy of your Inspection and Maintenance (I&M) Plan, as required by 6NYCRR Part 673.6.
3. Within thirty days of this NOV, submit an Annual Certification.
4. Within thirty days of this NOV, provide your plan and schedule to address the recommendations outlined in the 2015 Engineering Assessment (EA), and address the comments noted below for the EA; or else provide your plan and schedule to breach the dam.
5. Within thirty days of this NOV, address the comments noted below for the EAP.

**PLEASE TAKE FURTHER NOTICE THAT** in the absence of voluntary progress in the rehabilitation or removal of the Dam, the Department may initiate formal enforcement to compel repair or removal of the Dam, by Department issuance of a Commissioner's Order. Penalties accrue for each violation for the full time during which the violation occurred. If the Commissioner's Order does not result in repair or removal of the Dam, the Department may gain the authority to breach the Dam using state resources, and the right to seek reimbursement for the cost of breaching the Dam.

### **Inspection**

Berhanu Gonfa conducted a routine visual inspection at the above referenced high hazard dam on November 6, 2020 as a part of the New York State Department of Environmental Conservation's (Department's) ongoing Dam Safety program. A copy of the Visual Observations is enclosed.

The left/right nomenclature used in this letter and in the enclosed Visual Observation Report is based on looking downstream.

### **Emergency Action Plan (EAP)**

A review of the EAP indicates that it has not been updated since 2015; that the Department's contact information is incorrect; and that it is lacking a Promulgation and Concurrence (P&C) form. Please revise EAP as needed; contact the Department to get the Department's right contact information; distribute EAP updates to all document holders, including Dam Safety; and submit a completed P&C form to my attention. A sample P&C form can be downloaded from the Dam Safety webpage at: <http://www.dec.ny.gov/lands/58691.html>.

### **Hazard Classification**

The Department received an Engineering Assessment (EA) December 9, 2015, as prepared by Schnabel Engineering and stamped and signed by George J. Daviero, NYS PE# 076824. The EA indicates that route 9, just downstream of the dam, will overtop by 1.5 feet during the sunny day break scenario, which would make the dam a High Hazard Dam in accordance with Draft *TOGS DOW TOGS 3.1.5 – GUIDANCE FOR DAM HAZARD CLASSIFICATION*; and recommends that the hazard classification be revised to Class C – High Hazard.

In accordance with 6NYCRR Part 673.5(d) and based on Mr. Daviero's professional recommendation, I hereby change the downstream hazard classification of



the Westchester Lake Dam, DEC Dam ID# 213-0412, from Class B – Intermediate Hazard to Class C – High Hazard.

**Engineering Assessment (EA)**

Please provide the spreadsheets used in the gravity stability analysis.

**Condition Rating**

The Department assigned to the dam a condition rating of **“Unsound – Deficiency Recognized”** via the November 22, 2016 letter by Jennifer Ross. The condition rating was due to the dam’s inadequate spillway capacity; lower than required factors of safety for stability in several loading cases; and significant seepage through the dam. The condition rating is still valid as the dam has not been rehabilitated or breached; seepage was observed in several spots during this inspection; the dam has additional maintenance issues; the dam does not have a functional low level drain, as revealed by the EA; an Annual Certification has not been received since 2009; and the EAP has not been updated since 2015. This is a violation.

Please keep in mind that any repair or construction related to the dam may require permits from the Department. Well in advance of beginning work at the dam, please check with the Regional Permit Administrator in the New Paltz office (845-256-3059) to see if any permits are needed.

If you have any questions please contact me at 518-408-0338, or by e-mail at [john.smith@dec.ny.gov](mailto:john.smith@dec.ny.gov).

Sincerely,



John Smith, P.E.  
Professional Engineer 1  
Dam Safety Section

ec w/ enc: Alon Dornitz, P.E., Dam Safety Section Chief, Central Office  
Westchester County Emergency Management Office,  
[drd2@westchestergov.com](mailto:drd2@westchestergov.com)  
Linda D. Puglisi, Supervisor, Town of Cortland,  
[lindap@townofcortlandt.com](mailto:lindap@townofcortlandt.com)  
Berhanu Gonfa, P.E., DEC Region 3, Dam Safety Representative



**Visual Observations**

*DAM NAME* Westchester Lake Dam  
*STATE ID* 213-0412      *SECTION* C      *HAZARD CODE* B  
*COUNTY* Westchester      *INSPECTION DATE* 11/6/2020  
*NEAREST DS CITY/TOWN* Annsville      *INSPECTOR(S)* BXG  
*OWNER'S NAME* WESTCHESTER LAKE HOMES ASSOCIATION  
*DOWNSTREAM HAZARD* Intermediate      *TOWNSHIP* Town of Cortlandt

*WATER LEVEL BEHIND DAM* ~4" below spillway crest

*DRAIN OPERATION* Not operational (apparently drained by siphons)

*DEFICIENCIES*

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> 1) Seepage            | <input checked="" type="checkbox"/> 4) Maintenance  | <input type="checkbox"/> 7) Cracking              |
| <input checked="" type="checkbox"/> 2) Slope Stability    | <input type="checkbox"/> 5) Surficial Deterioration | <input type="checkbox"/> 8) Movement/Misalignment |
| <input checked="" type="checkbox"/> 3) Undesirable Growth | <input checked="" type="checkbox"/> 6) Voids        | <input type="checkbox"/> 9) Data                  |

*General:*

Not flowing.

*Upstream face:*

Brush, saplings.

*Downstream face:*

Leakage at several spots in the masonry section.

Missing stones in the masonry section.

Brush and trees within 20 feet of the dam.

*Spillway:*

Cracking in the concrete.



**Photo 1 Dam ID# 213-0412 Westchester Lake Dam 11/06/2020**  
Upstream face of the dam



**Photo 2 Dam ID# 213-0412 Westchester Lake Dam 11/06/2020**  
Dam crest and spillway crest





**Photo 3 Dam ID# 213-0412 Westchester Lake Dam 11/06/2020**  
Right side of the spillway



**Photo 4 Dam ID# 213-0412 Westchester Lake Dam 11/06/2020**  
Dam Crest and left side of the service spillway



**Photo 5 Dam ID# 213-0412 Westchester Lake Dam 11/06/2020**  
Downstream face of the dam



**Photo 6 Dam ID# 213-0412 Westchester Lake Dam 11/06/2020**  
Downstream face of the dam



# **RESOLUTION**

**NUMBER 97-21**

**RE: (AUTHORIZE CONTRACT WITH SCHNABEL ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES FOR WESTCHESTER LAKE DAM (NYS DAM FILE NY 213-0412**

**WHEREAS,** Westchester Lake Dam is privately owned by the Westchester Lake Homeowners Association (HOA); and

**WHEREAS,** the NYS DEC Division of Dam Safety performs periodic inspection of Class C – High Hazard Dams and their most recent inspection provided the dam an “unsound-deficiency recognized” condition; and

**WHEREAS,** residents of the Westchester Lake Subdivision with said parcels belonging to the Westchester Lake HOA have requested the Town of Cortlandt address the dam; and

**WHEREAS,** the Director of Technical Services has requested a proposal from for professional engineering services from Schnabel Engineering in order to address the NYS DEC notice providing preliminary engineering and design, plans and specifications for bidding purposes and regulatory compliance activity; and

**WHEREAS,** Schnabel Engineering, 28 Corporate Drive, Suite 204, Clifton Park, NY 12065 has submitted an itemized proposal to provide professional engineering services related to the dam; and

**WHEREAS,** Schnabel Engineering has acted as a Consultant in the past in the preparation of reports, inspections, and assessment of the Westchester Lake Dam as required by the NYSDEC; and

**WHEREAS;** the Town of Cortlandt by approving said proposal does in no way represent ownership or responsibility of the dam, and

**WHEREAS,** the work being authorized will be used to establish the cost to satisfy NYS DEC regulations and all design and construction costs will be then be levied against a proposed Westchester Lake Parks District;

**NOW THEREFORE BE IT RESOLVED;** that the Town Supervisor and Director of Technical Services is hereby authorized to enter into an agreement with Schnabel Engineering for professional engineering services in an amount not to exceed One Hundred Sixty Thousand Dollars (\$160,000.00) with contingency to complete geotechnical exploration, site survey and preliminary design.

**BE IT FURTHER RESOLVED,** that the Comptroller is hereby authorized to amend the budget with respect to the above.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF CORTLANDT  
LAROUÉ ROSE SHATZKIN  
TOWN CLERK**

**Adopted on March. 16, 2021  
at a Regular Meeting  
Held via Zoom**

**RESOLUTION**

**NUMBER 228-20**

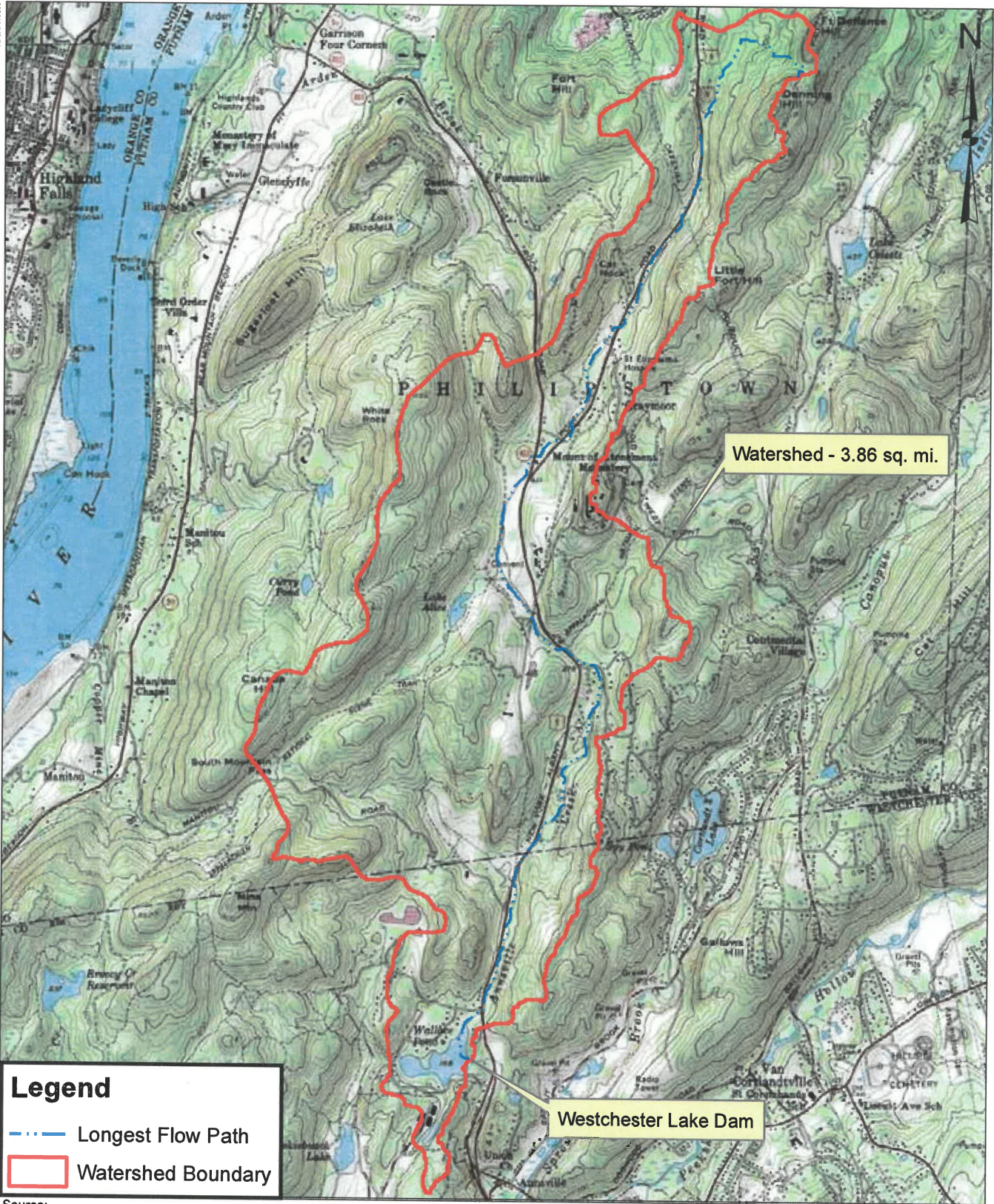
**RE: (AUTHORIZE DOTS TO REQUEST PROPOSALS FOR A WATER QUALITY ASSESSMENT OF WALLACE POND / WESTCHESTER LAKE)**

**NOW THEREFORE BE IT RESOLVED**, the Department of Technical Services is hereby authorized to prepare a Request for Proposal for a water quality assessment of Wallace Pond and Westchester Lake.

**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF CORTLANDT  
LAROUÉ ROSE SHATZKIN  
TOWN CLERK**

**Adopted on September 22, 2020  
at a Regular Meeting  
Held via Zoom**





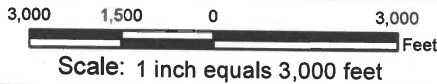
Watershed - 3.86 sq. mi.

Westchester Lake Dam

**Legend**

- — — — — Longest Flow Path
- ▭ Watershed Boundary

Source:  
Projection: NAD 1983 UTM Zone 18N



**WESTCHESTER LAKE DAM  
TOWN OF CORTLANDT, NEW YORK**

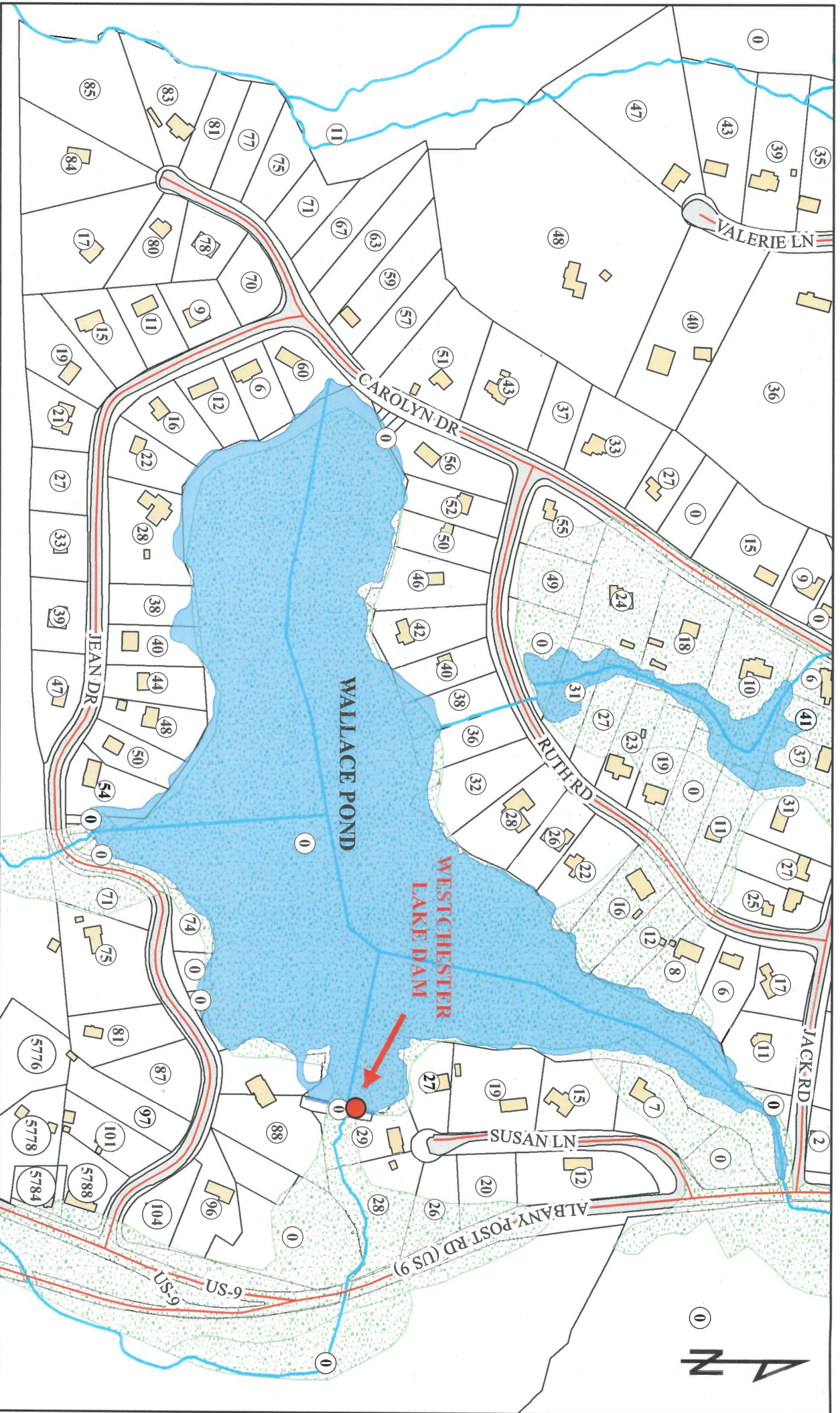
PROJECT NO. 159250001.00

**WATERSHED MAP  
FIGURE 4.1**





# LOCATION MAP OF WESTCHESTER LAKE / WALLACE POND



TOWN OF CORTLANDT DEPARTMENT OF TECHNICAL SERVICES  
 1 HEADY STREET, CORTLANDT MANOR, NY 10567

1 inch = 300 feet