



New York City
**Department of
Environmental Protection**

DETERMINATION

CROSSING, PIPING OR DIVERSION PERMIT

Pursuant to the authority granted under:

Article 11 of the New York State Public Health Law;
Rules and Regulations For The Protection From Contamination, Degradation and
Pollution Of The New York City Water Supply and Its Sources, 15 RCNY Chapter 18,
10 NYCRR Part 128.

New York City Department of Environmental Protection (DEP) makes the following
determination with respect to the Crossing Piping or Diversion Permit described below:

Name of Project: Illington Dam Repair Crossing Piping or Diversion Permit (CPDP)

Location: 408 Illington Road
(T) Yorktown, Westchester County, New York
Tax Map # 69.08-1-11

Owner/Applicant: Marcia Saunders

Address: 410 Illington Rd
Ossining, Yorktown, NY

Drainage Basin: New Croton Reservoir Basin

General Description:

The project scope involves the replacement of a Class A Dam failing due to the collapse of the center section. The proposal is to rebuild the dam while diverting the existing stream and to integrate the new concrete dam with the earthen dam portions presently in place at the site. The project will result in an addition in impervious area of 1533 square feet for the dam, spillway surfaces and drain down pipe to convey discharge. Discharge from the dam is considered a watercourse.

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*Illington Dam Repair CPDP
408 Illington Rd, Ossining, NY*

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The Crossing Piping or Diversion (CPDP) shall be implemented in accordance with the Plans and Engineer's Report for Illington Dam Repair CPDP, 408 Illington Road, Town of Yorktown, Westchester County, New York, Tax Map # 69.08-1-11, prepared by P. W. Scott Engineering & Architecture, P. C. dated July 1, 2020 (see Appendix A).

Date(s) of site inspection: June 30, 2020

(XX) Approved

() Denied

Conditions of Approval:

This approval is granted with the following conditions:

- The regulated activity must be conducted in compliance with the plans as approved, listed in Appendix A, all applicable accepted standards, and all applicable laws, rules and regulations.
- Any alteration or modification of the CPDP must be approved by DEP prior to implementation; DEP may opt to issue an amended CPDP Determination.
- The applicant must schedule a pre-construction conference prior to the start of construction. Present at the meeting should be the applicant, the design engineer, the general contractor, and DEP staff.
- The applicant must notify DEP at least forty-eight (48) hours prior to the commencement of construction activity so that compliance inspections may be scheduled by DEP.
- All erosion and sediment controls must be properly installed and maintained until the site has been stabilized and the risk of erosion eliminated. Final stabilization is defined in the General Permit as all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 80% cover for the area has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed.
- At the completion of the project, the applicant is required to submit as-built drawings for all stormwater management, runoff reduction and water quality facilities.
- The stormwater management and water quality facilities must be maintained in accordance with the maintenance schedule included in the CPDP as approved by DEP.

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- This approval shall expire and thereafter be null and void unless construction is completed within Five (5) years of the date of issuance or within any extended period of time approved by DEP upon good cause shown.
 - In the event that the material submitted is inaccurate or misleading, this approval is not valid and construction of this project is in violation of DEP Regulations
 - Failure to comply with any of the conditions of this approval is a violation of this approval and the *Rules and Regulations for The Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources*.
 - A copy of the approved plans and determination should be maintained for record, and a copy must be available for inspection at the construction site.
 - DEP shall be provided access to the project site during the construction phase for monitoring and inspection purposes.
 - This approval and all conditions of the approval are binding on the owner of the property where the facility is to be located. Any references to the "applicant" in this approval or in any conditions of this approval shall be deemed to refer to the owner of such property.
 - If the applicant sells or otherwise transfers title of **Illington Dam Repair CPDP** before all construction planned for the property is completed and the site is stabilized, the applicant shall require the new owner ("Buyer") to comply with the CPDP approved by the New York City Department of Environmental Protection on *November 20, 2020* including, but not limited to, all provisions relating to erosion and sediment control during construction and to all maintenance of the stormwater management facilities once construction is complete. In particular, the applicant shall provide the Buyer with a copy of the CPDP and shall cause the following real covenants and restrictions to be recorded with the deed for **Illington Dam Repair CPDP** with the following provisions:
 - (1) Buyer hereby acknowledges, covenants, warrants, and represents that he/she shall install and maintain any and all erosion controls and stormwater management facilities on the premises in accordance with the CPDP, such CPDP being attached hereto as Exhibit .
 - (2) Buyer's installation and maintenance of the erosion control and stormwater management facilities shall be for the benefit of the consumers of the New York City drinking water supply system as well as for the owners of **Illington Dam Repair CPDP**.

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- (3) Buyer's obligation to install and maintain any and all erosion controls and stormwater management facilities on the premises in accordance with the attached CPDP shall be perpetual, shall run with the land, and shall be binding on Buyer's heirs, successors, and assigns.
- (4) Buyer hereby covenants, warrants and represents that any lease, mortgage, subdivision, or other transfer of **Illington Dam Repair CPDP**, or any interest therein, shall be subject to the restrictive covenants contained herein pertaining to the installation and maintenance of erosion control and stormwater management facilities, and any deed, mortgage, or other instrument of conveyance shall specifically refer to the attached CPDP and shall specifically state that the interest thereby conveyed is subject to covenants and restrictions contained herein.
- Prior to conveying title to **Illington Dam Repair CPDP**, the applicant shall submit to the New York City Department of Environmental Protection a proposed deed containing the aforementioned real covenants and restrictions.

Date: *November 20, 2020*

Illington Dam Repair
408 Illington Road, (T) Yorktown Tax
Map # 69.08-1-11
DEP Log # 2020-CNC-0081-CPD. 1
New Croton Reservoir Drainage Basin

Determination made by:



Jason Coppola, P.E.,
Supervisor
Regulatory & Engineering Programs EOH

Recommended for approval by:



Mariyam Zachariah
Associate Project Manager
Regulatory & Engineering Programs EOH

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APPENDIX A

The following documents, prepared by P. W. Scott Engineering & Architecture, P. C. for **Illington Dam Repair CPDP**:

- 1) Engineer's Report for Crossing, Piping, or Diversion Permit, dated July 1, 2020.
- 2) Drawing No. SY1, Dam & Pond Site Plan, dated November 8, 2019, last revised on September 28, 2020.
- 3) Drawing No. SY2, Erosion Control Plan, dated November 8, 2019, last revised on September 28, 2020.
- 4) Drawing No. SY2A, Pond Details dated June 23, 2020, last revised on September 28, 2020.
- 5) Drawing No. SY3, Erosion Control Details, dated November 8, 2019, last revised on September 28, 2020.
- 6) Drawing No.: SY3A, Erosion Control Notes, dated November 8, 2019, last revised on November 2, 2020.
- 7) Drawing No.: SY3B, Long Term Maintenance Plan, dated November 8, 2019, last revised on September 28, 2020.
- 8) Drawing No.: SY4, Pond Planting Plan, dated November 8, 2019, last revised on November 8, 2020.
- 9) Drawing No.: SY6A, Pond Details, dated November 8, 2019, last revised on November 2, 2020.
- 10) Drawing No.: SY6B, Dam Construction Details, dated March 25, 2020, last revised on September 28, 2020.
- 11) Drawing No.: EX, Existing Site Plan, dated March 25, 2020, last revised on August 24, 2020.
- 12) Drawing No.: D1, Drainage Overlay, dated March 25, 2020, last revised on August 24, 2020.



November 20, 2020

Mr. Peder W. Scott, P.E., R.A.
P.W. Scott Engineering & Architectures, P.C.
3871 Route 6
Brewster, New York 10509

Via email: pwscott@pwscott.com

Re: Illington Dam Repair - CPDP
408 Illington Road, (T) Yorktown
Tax Map # 69.08-1-11
DEP Log # 2020-CNC-0081-CPD. 1
New Croton Reservoir Drainage Basin

Dear Mr. Scott:

This letter is to inform you that your application to engage in the above referenced regulated activities pursuant to the "Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources" (Regulations) was *approved* on November 20, 2020.

The New York City Department of Environmental Protection (DEP) reserves the right to modify, suspend, or revoke this approval based on the grounds set forth in Section 18-26 of the Regulations. The activity proposed in your applications applies only to the terms of this approval and is subject to the regulations cited above. Failure to comply with the conditions of the approval may be the cause for suspension of this approval and initiation of an enforcement action. Should modification, suspension or revocation of an approval be necessary, DEP will notify the regulated party, via certified mail or personal service, prior to modifying, suspending or revoking the approval. The notice will state the alleged facts or conduct which appear to warrant the intended action and explain the procedures to be followed.

The Regulations provide that an applicant may appeal the imposition of a substantial condition in an approval by filing a petition, in writing, with DEP and the New York City Office of Administrative Trials and Hearings ("OATH") within thirty days of the date this determination was mailed.

NYCDEP may inspect and monitor the erosion control practices at the project site during construction. Therefore, a pre-construction meeting must be held at least two days prior to the start of any work. The owner, design professional Contractor and NYCDEP personnel must attend.

Please contact Mariyam Zachariah at (914) 749-5357 or mzachariah@dep.nyc.gov to schedule this pre-construction meeting.

Sincerely,

A handwritten signature in black ink that reads "Jason Coppola". The signature is written in a cursive style with a large, stylized 'J' and 'C'.

Jason Coppola, P.E.
Supervisor
EOH Project Review Group
Regulatory & Engineering Programs

Attachment: CPDP plans and report

C: Town of Yorktown Planning Board; planning@yorktownny.org (w/enclosures)
Michael Quinn, P.E., mquinn@yorktownny.org
Marcia Saunders, marciacsanders@gmail.com