



**TOWN OF CORTLANDT**  
**DEPARTMENT OF TECHNICAL SERVICES**  
**ENGINEERING DIVISION**

Michael Preziosi, P.E.  
*Director – D.O.T.S.*

Arthur D'Angelo, Jr., P.E.  
Deputy Director  
*D.O.T.S. – Engineering*

Town Hall, 1 Heady Street  
Cortlandt Manor, NY 10567  
Main #: 914-734-1060  
Fax #: 914-734-1066

**Town Supervisor**  
Linda D. Puglisi

**Town Board**  
Richard H. Becker  
Debra A. Carter  
James F. Creighton  
Francis X. Farrell

February 4, 2021

**RE: Wallace Pond / Westchester Lake**  
**NYSDEC Notice of Violation – DEC ID# 213-0412**

Dear Current Resident,

The current pandemic has been difficult on us all and I hope this letter finds you and your family well. We are looking forward to a better tomorrow and a return to normalcy.

From time to time the Town of Cortlandt contacts the property owners of the Westchester Lake Subdivision to provide public outreach regarding the health of the lake, best practices to reduce pollution and nutrients from entering the lake and status updates related to grants. This current mailing is in regards to the December 2020 dam inspection performed by the New York State Department of Environmental Conservation (NYSDEC).

To provide context and a brief history, the Westchester Lake Subdivision consisting of approximately 151 properties; including the lake and dam; was subdivided in the early 1950's. Subsequently the residential homes were built out over the ensuing decades. The dam itself was constructed prior to the subdivision when the lake was used as a source of ice. The lake is currently owned by the Town of Cortlandt and the dam is owned by the Westchester Lake Homeowners Association (HOA) in which your property belongs.

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. Included in the violation is summary of the issues which resulted in the violation and the required actions to address each.

So what does this all mean? In short:

- Class "C" or "High Hazard" dam is defined as a dam in which failure may result in widespread or serious damage to home(s); damage to main highways, industrial or commercial buildings, railroads, and/or important utilities, including water supply, sewage treatment, fuel, power, cable or telephone infrastructure; or substantial environmental damage; such that the loss of human life or widespread substantial economic loss is likely.

The classification was worsened from Class "B" in which damage would be more isolated and loss of human life would not be expected.

- The NYSDEC is looking for voluntary progress to rehabilitate or remove the dam. Failure to comply may initiate formal enforcement to compel such actions. Removal of the dam and the creation of a wetland and marsh estuary is a possible scenario.

- The dam is not functioning as intended. There are multiple maintenance issues, seepage through the dam and inadequate spillway capacity.

The Town of Cortlandt understands that the NYSDEC Notice of Violation forwarded to the HOA is technical in nature, is overwhelming and represents a significant financial burden. Coupled with an association that by all account is defunct leaves the Westchester Lake Subdivision in a precarious position.

In the past the Town has assisted the residents of the Westchester Lake Subdivision in addressing matters related to dam safety. In 2015 Schnabel Engineering was retained to prepare an Emergency Action Plan (EAP) and Engineering Assessment Report (EA) in accordance with NYSDEC Dam Safety policy. The Town is currently proposing the following actions:

1. Extend consultant service contract to address the NYSDEC Notice of Violation, providing a plan of action to rehabilitate the dam.
2. Perform field investigation and testing required to gather the necessary data to prepare a design plans to rehabilitate the dam. A preliminary design estimate will be developed at this time for discussion. As detailed design is progressed, estimates will be revised.
3. Cortlandt staff will continue to petition, federal and state elected officials requesting financial assistance.
4. Cortlandt staff will apply to National Dam Safety Program for a grant as Westchester Lake Dam now has a high hazard dam classification. Staff will also monitor Federal and State programs to determine availability of other grants that may offset the cost of rehabilitating the dam.
5. Cortlandt staff and the Town's Consultant will contact the Regional Director of the New York State Department of Transportation to determine if any financial assistance can be provided as Route 9 is directly downstream of the dam.
6. Formation of a parks district to fund the rehabilitation of the dam. A levy will be assessed against each of the properties within the Westchester Lake Subdivision over a 20 year period.

We look to discuss the above at an informational meeting scheduled via *Zoom for February 23, 2021 at 6 pm.* We encourage all property owners to attend this virtual meeting.

When: Feb 23, 2021 06:00 PM Eastern Time (US and Canada)  
Topic: Westchester Lake Subdivision - Information Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87125876703>

Or iPhone one-tap :

US: +19292056099,,87125876703# or +13126266799,,87125876703#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 312 626 6799 or +1 301 715 8592 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 871 2587 6703

International numbers available: <https://us02web.zoom.us/j/87125876703>

The Town will continue to assist the Westchester Lake residents in resolving the NYSDEC violation. With a commitment from the residents, the dam can be rehabilitated in a manner that is beneficial to the overall health and quality of the lake while mitigating hazards in the event the dam is fully breached and fails.

If you have any questions or comments in advance of the virtual meeting or are unable to attend or seek past mailings, do not hesitate to contact Engineering Staff at 914-734-1060. Information is also available online at [www.townofcortlandt.com/westchesterlake](http://www.townofcortlandt.com/westchesterlake).

Sincerely,

Michael Preziosi, P.E.  
Director - Dept. of Technical Services

Cc: Linda D. Puglisi, Town Supervisor  
Town Board  
Town Legal  
Steve Ferreira, P.E., Director DES