



WILL BARCLAY  
Minority Leader

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY



June 15, 2021

Mr. Kevin Balduzzi  
Deputy Regional Permit Administrator  
NYSDEC  
615 Erie Boulevard W.  
Syracuse, NY 13204

Dear Mr. Balduzzi,

I am writing to express my full support of the Richland-Sandy Creek Joint Water Project in South Sandy Pond. I have heard from constituents about multiple cases of compromised wells, and contaminated drinking water. This project will remedy their concerns by providing safe, clean water for the area. Clean water is vital for the health and safety of residents and the town's local officials have worked hard to see that people will have just that.

It is my understanding that plans include installing a new water main extension along North Rainbow Shores Road and South Sandy Pond Inlet Road. Per the State Environmental Quality Review (SEQR) Determination, the project is a Type I action and will not have a significant effect on the environment. In addition, according to project engineers, this project will be precise and have minimal impact to the surrounding area.

I served as the State Assembly representative of the area during the historic floods of 2017 and 2019. During that flooding my office heard from many people on the shore who were concerned about safe water supplies and sustainability of wells on their properties. As water levels and water quality continue to come into question each year, ensuring a stable supply becomes ever more important.

As you know, it is important to insure the balance between natural resources and the needs of residents. It seems to me that this project strikes the appropriate balance. For these reasons and others, I am in full support of the Richland-Sandy Creek Joint Water Project. If you have any questions, please do not hesitate to contact me.

Very Truly Yours,

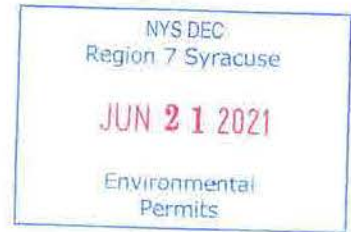
*William A. Barclay*

Will Barclay  
Assembly Minority Leader

WAB/na

June 18, 2021

Kevin Balduzzi  
NYSDEC  
615 Erie Blvd West  
Syracuse, NY 13204-7438



Re: Public Water at South Sandy Pond Inlet Road

Dear Mr. Balduzzi:

Public water has historically been available to protect the health of the citizens. We property owners on South Sandy Pond Inlet Road have been dealing with unsafe water that has in recent years become much worse. Not only is it not potable, it is greasy and contaminated and unsafe for doing dishes and bathing. Our properties are not large enough to insure the safety of well water in such close proximity to our septic systems and those of our neighbors. Hauling enough water for our use ( drinking, cleaning and bathing ) has become a serious hardship. We also have concerns regarding the lack of fire hydrants.

We have spent over \$50,000 to safeguard our shorelines, both lake and pond, from possible water breach as have the other property owners on our road. At this point we residents have yet to hear from the DEC an explanation for denial to safe drinking water. As far as future development is concerned, there is no undeveloped property on South Sandy Pond Inlet Road and there has never been a breach of the dunes. Therefore, the DEC's point regarding development and breakthrough makes no sense.

We urge the DEC to withdraw their opposition to extending public water to South Sandy Pond Inlet Road. Contaminated wells pose a serious health and safety risk.

Thanks you for your attention to this serious matter.

Very truly yours,

A handwritten signature in cursive script that reads "Joan Pierce Bushneck".

Joan Pierce Bushneck  
7205 Rosewood Circle  
N. Syracuse, NY  
315-458-8387  
joan.pierce54@gmail.com

JUN 21 2021

Environmental  
Permits

## Jay and Patricia Chapman

60+62 South Sandy Pond Inlet Rd  
Sandy Creek, NY

Mailing Address: 36 Windcrest Drive, Pulaski NY 13142  
315 427-6889

June 16, 2021

Kevin Balduzzi

Regional Permit Administrator

Division of Environmental Permits

New York State Department of Environmental Conservation, Region 7

615 Erie Boulevard West

Syracuse, NY 13204-7438

Dear Mr Balduzzi,

We respectfully request that the Division approve the Town of Sandy Creek's application to extend their municipal water district to the south past Sandy Island Beach State Park to their taxpayers in the cottages already existing along South Sandy Pond Inlet Road. We realize that Coastal Erosion Hazard Area designation is intended to identify areas vulnerable to damage within the next 40 years and avoid development that will potentially be subject to that damage. However in the shore areas involved with this project conditions have dramatically changed since the original designation in the 1980's and the every 10 year updates required by the law have not occurred to reflect the situation in recent decades.

Regarding the erosion pattern- we have been successful at avoiding progressive erosion since we bought here in 1986 by the four DEC permitted rock projects we have done. I expect based on our experience and observation that we will continue to be successful in the coming years. It is worth noting that DEC seems to be making a similar assumption since they put in our rock permit the

stipulation that we agree to maintain our barrier work for at least the next thirty years.

We had a dramatic demonstration of the effectiveness of riprap in our first few months of ownership here- there was just a single line of rocks with sand in back and the waves washed away the sand easily whenever there was any west wind with waves. We stacked sandbags between the rocks and overnight the sandbags would be empty, the sand washed out right through the fabric of the bags. As soon as we completed the first modern rip rap rock project in the winter of '86—87 we and our neighbors went from sometimes losing several feet of frontage in a storm to no losses except very gradual changes to the rip rap protection that we have been able to reinforce with the permitted rock repairs.


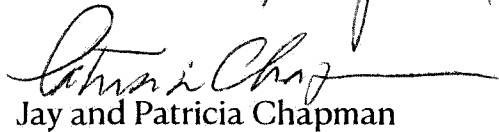
So it is worth remembering that the coastal erosion hazard line was established prior to the commitment in our area to the sort of rip rap efforts we currently are seeing routinely. Oddly, the area on North Rainbow Shores Road south of us that is not included in the Coastal Erosion Hazard Area designation actually is the area most of us locally look at as the most likely nearby zone for a future breach into South Sandy Pond because it is both narrower and lower than the land to the north along South Sandy Pond Inlet Road. Since it wasn't technically included in the Coastal Erosion Hazard Area based on 1980's mapping, the water district was permitted in that area so those cottages now have a clean, reliable water supply. The timeline for future erosion is certainly at least as good in our area as a result of the rip rap so it warrants your reconsideration of the automatic rejection of a minor public infrastructure project such as this small diameter plastic water pipeline.

Last summer was the fourth time we have had protective rock work done on our Lake Ontario frontage. Our cost last year was \$47,500 and our total is now more than \$100,000 over 35 years. Each time we have paid the cost with no outside financial help, which I believe is true of most of our neighbors. This is a testament to our determination and ability to continue to effectively resist progression toward breakthrough erosion. It is worth noting that we have not seen a progressive deepening of the water in front of our shoreline over the years so, with the continued natural sand and pebble movement, the barrier system appears to remain intact, buttressed by our layer of rock reinforcement.

Speaking for ourselves, and I suspect also for our neighbors, we love being here and are proud to be contributing to the Sandy Creek/Pulaski community. We highly value the intact barrier dune system our cottages are a part of. We would, however, really appreciate access to the municipal water system! We feel that given the current conditions and erosion prospects for the shoreline in question that approval is appropriate and justified for such a minor public infrastructure addition as this small diameter plastic water pipe.

Thank you for reconsidering your initial negative response to this application.

Sincerely yours,

Jay and Patricia Chapman

60-62 South Sandy Pond Inlet Rd  
Sandy Creek, NY 13145

Mailing address:

36 Windcrest Drive, Pulaski, NY 13142

Here is a summary of our tap water problems:

**Safety:** We have had positive e coli bacteria tests on our well water indicating potentially dangerous surface water contamination. This is not surprising as lot widths here are only 50 to 75 feet making adequate distance from septic systems to wells frequently impossible.

As a result we carry our drinking water from Pulaski, requiring continuous attention and effort. This will become increasingly challenging in the years to come as we are in our late 60's and have to carry water up 20 plus stairs from our parking area.

**Results:** We use our well water for washing and flushing. We have very poor water flow and volume. This has required replacement of sand point wells 4 times over 35 years. This spring our pump was burned out and needed

replacing along with flushing and further driving of the existing well point, a typical challenge here.

We have sulphur smelling water, and high iron content, causing stains on clothing and sinks/shower/toilets/fixtures as well as hair, nails and skin.

JUN 22 2021

Environmental  
Permits

June 21, 2021

Kevin Balduzzi,

I received a copy of the water denial for Municipal Water on N. Rainbow Shore Road. I have put rip rap on the lake side of my property from erosion. I am disabled and can't carry clean water to my cottage so easily now. I can't drink or even cook with the water that we have from our well. I believe it's only fair we get the water lines in also. We have protected our property from erosion. It is a hardship for me to not have fresh clean water also no fire hydrant accessible in case of a fire. Hopefully we can get water on our property soon. This area has been developed for the past 50 years. It's unfair some people on the road are getting water and only a few of us are not. Please reconsider.

Regarding

127 N. Rainbow Shore Road,  
Pulaski, N.Y.

Thank you,  
Bonnie Beckman

JUN 21 2021

Environmental  
Permits

Jill & Basil Korolenko  
46 South Sandy Pond Inlet  
Pulaski, NY 13142  
513-315-6704

June 16, 2021

Kevin M. Balduzzi  
Deputy Regional Permit Administrator  
Division of Environmental Permits  
NYS DEC, Region 7  
615 Erie Blvd W.  
Syracuse, NY 13204

Re: Township Water Availability for South Sandy Pond Inlet Road

Dear Kevin,

My family has owned the land at 46 South Sandy Pond Inlet since 1962, my wife and I since 1992. Our well water was drinkable many years ago but the quality has steadily eroded. The high water events of 2017 and 2019 resulted in the worst water ever from our well. At this point the numerous mineral and bacterial contaminants render the water dangerous to anyone coming in contact with it. Any visitors that mistakenly drink some of the well water invariably end up with gastrointestinal distress of varying severity. At this point, even bathing with the well water often results in illness. We are forced to carry gallons of drinking water up to our camp throughout each Summer season. I have tried several filtration systems and a variety of filter elements for these systems over the years. None of these have been fully successful in eliminating the hazardous contamination.

We were elated when we heard that Sandy Creek Township proposed to bring their public water to our little road. Naturally, our elation turned to dismay and concern when we heard that the DEC opposed and blocked the Township's plan. The basis for your opposition was reported to us by the Township – this was finally confirmed in writing just recently: the restriction found at 6 NYCRR 505.8 (d)(5); *all development is prohibited on primary dunes unless specifically allowed by this subdivision.*

Let's be clear – the DEC is denying citizens of Oswego County access to clean, healthy water on the basis that our residences are located on a primary dune. This premise is false no matter how you interpret the wording. The entire length of our "primary dune" has been thoroughly reinforced on the lakeside with rip rap to prevent erosion. A breakthrough by the lake is simply not possible at this time. As you well know, if the reinforcement is ever compromised as it was in 2019, we spend additional hundreds of thousands of dollars to reinforce again. Even the State of NY, when threatened with erosion on Sandy Island Beach State Park in 2017, immediately jumped into action and constructed a protective seawall for the eroded dune area. If the premise for your opposition is false, then why is the DEC opposing the



availability of clean water for our properties? To the residents of our road, the DEC's opposition is not based on the code; it appears to be punitive in nature.

The Town of Sandy Creek recognizes the serious threat to resident's health from their exposure to unsafe well water and has proposed a safe and healthy solution. I respectfully request that the DEC reconsider this issue and immediately withdraw your opposition to the planned provision of public water service to the residences on South Sandy Pond Inlet Road.

Best Regards,

A handwritten signature in cursive script that reads "Basil A. Korolenko". The signature is written in black ink and is positioned above a horizontal line.

Basil A Korolenko

JUN 21 2021

Environmental  
Permits

**Michael and Tisa Lach**

June 14<sup>th</sup>, 2021

**Permanent Address:**

199 Lazy Trail

Penfield, Ny 14526

**Cottage:**

54 South Sandy Pond Inlet Road

Pulaski, New York 13142

Mr. Kevin Balduzzi

NYSDEC

615 Erie Boulevard West

Syracuse, New York 13204-7438

Dear Mr. Balduzzi,

We are landowners on South Sandy Pond Inlet Road and are requesting you to approve the installation of water lines on our road. We, and all the landowners on our road, have fortified the lake shoreline and pond shoreline. We have spent thousands of dollars and hours of labor to accomplish this. We do not understand the argument that there could be a washout. If you look at either shoreline you can see that it is next to impossible. For years we have had to endure poor water quality. Now we have a chance to have clean, potable water like all the other residents of the county. The current state is that we have to carry all our water in for drinking and cooking. This is quite a burden seeing how we, and many are becoming elderly and find it difficult to constantly do this. We had to drive a new point last year as the quality was very poor and the volume was reduced. Even with the new point (\$\$\$) and filters(\$\$\$), the quality is still poor and definitely not potable.

Please reconsider your decision and grant permission to install the water lines.

Thank You,



Mike and Tisa Lach

**Jerry and Marie McCormick**

79 South Sandy Pond Inlet Road  
Sandy Creek, NY13145  
(610) 316-9702



June 15, 2021

Kevin M. Balduzzi  
Deputy Regional Permit Administrator  
Division of Environmental Permits  
New York State Department of Environmental Conservation, Region 7  
615 Erie Blvd W.  
Syracuse, NY 13204

Re: *Public Water and South Sandy Pond Inlet Road*

Dear Mr. Balduzzi:

For the reasons set forth below, my wife and I are respectfully requesting that the DEC reconsider its decision to oppose the extension of public water system to the existing cottages along South Sandy Pond Inlet Road.

First, I note that since the Town of Sandy Creek has previously determined that the availability of public water is necessary to protect the health, safety and welfare of residents living around North and South Sandy Ponds, the DEC's decision to oppose the extension of the water line to residents living along South Sandy Pond Inlet Road is, in a word, offensive. Indeed, it is impossible for me to understand how any governmental agency, including the DEC, can take actions that are specifically intended to deny some families access to safe drinking water.

Second, as you know from previous correspondence, none of the families who own or rent properties along South Sandy Pond Inlet Road currently have access to safe (potable) water from their respective on-site wells. While the water produced by some wells is clearly worse than others, there can be no dispute that we share many common problems such as high levels of sulphur, iron, bacteria, parasites, nitrates and nitrites. Further, because many of the houses along South Inlet Road are located on small lots with insufficient isolation distances between

**Mr. Kevin Balduzzi**

**June 15, 2021**

**Page Two**

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the their onsite wells and septic systems, many wells have are contaminated by e coli and other forms of harmful bacteria associated with untreated human waste. This problem, of course, was increased exponentially following the government-sponsored flooding that we experienced during the summers of 2017 and 2019.

Third, as you also know from previous correspondence, although the families who own properties along South Sandy Pond Inlet Road have all tried various remedies, including installing expensive filtration and ultraviolet light treatment systems, none of those efforts have been successful.

Fourth, with the recent arrival of our first grandson, we have discovered that despite our best efforts it is virtually impossible to prevent him from ingesting some of the contaminated well water when giving him a bath. Although I am not sure if an infant can absorb the contaminants in our well water through his skin, I know from first-hand experience that it is nearly impossible to prevent him from putting his hands near his mouth and eyes while giving him a bath.

Fifth, when my wife and I built our cottage on South Sandy Pond Inlet Road approximately 20 years ago, it was not a problem for us (me) to haul five gallon containers of drinking water up six steps and into our cottage. Unfortunately, with the passage of time it has become so difficult for me to lift and carry the 41 pound containers up the steps and into our cottage that we have resorted to using one gallon bottles to transport our drinking water. As a result, instead of having to make a trip into town for drinking water once a month, I am now doing it once or twice a week.

Finally, despite my best efforts to follow this issue, I have yet to hear any explanation for the DEC's efforts to deny the residents of South Sandy Pond Inlet Road access to safe drinking water that makes any sense to me. As you know from your tour of the area, there are no undeveloped lots along our road and the families who own properties with frontage along Lake Ontario have collectively spent hundreds of thousands of dollars to install rip-rap and other improvements to harden the shorelines and thereby prevent further erosion of their respective properties. Thus, the DEC's claim that it is trying to prevent further development

**Mr. Kevin Balduzzi**

**June 15, 2021**

**Page Three**

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of the area and/or it is fearful that the Lake will break through the barrier island simply do not make any sense at all.

Because the Town of Sandy Creek has properly determined that the continued use of contaminated wells represents a serious and substantial threat to the health, safety and welfare of the families who own or rent properties along South Sandy Pond Inlet Road, I respectfully urge your agency to immediately withdraw its opposition to the planned extension of public water service to those properties.

Thank you for your attention to this matter.

Very truly yours,



Jerry McCormick

June 1, 2021

Kevin Balduzzi  
Deputy Regional Permit Administrator  
Division of Environmental Permits  
NYS Dept. of Environmental Conservation Region # 7  
615 Erie Boulevard West  
Syracuse, NY 13204-2400



Dear Mr. Balduzzi,

We have owned property on South Sandy Pond Inlet Road since 1993. This property was owned by a member of our family for many years before that. When first occupying the property we had a dug well that was usable in the early years. After a few years it started giving us trouble and we had another one installed. It also was good for a short period of time but we eventually had to have a \$7 to \$8 thousand dollar system installed to make the water usable. It had a great deal of iron in it turning everything orange. The water was very hard and had some bacteria that showed up when it was tested. We added an ultra violet machine to alleviate that problem but it still didn't taste very well. And, the strong sulphur smell was another issue. We used that system for about 8 years but it eventually wore out its effective life so we invested in a new system costing even more than the original. Tannins started appearing when the lake level (as well as the pond started rising) and that was an additional piece of equipment. We never felt safe drinking this water despite all the equipment we installed. We carried in all our drinking and cooking water despite the expensive systems we installed to make the existing water usable for bathing purposes. The flooding of 2017 and 2019 created more issues. Keeping our water passable for non drinking and cooking uses was severely affected when the lake and pond water level reached the highest levels ever. As of today we now are in fear of the well going dry due to the very low level of water in both S. Sandy Pond and Lake Ontario.

After the flooding of 2017 occurred it cost over \$28 thousand to replace the rip rap on the pond side of our property. Porous cloth, bigger rocks were placed where the previous smaller rocks were washed out by the wave action. Our yard was very soft and had to be built up with many loads of topsoil and re-seeded. Luckily all of this effort paid off. The high water of 2019 caused no damage to our shoreline and our yard remained firm and intact. The action taken by us as well as most of the property owners on our road will prevent any invasion of heavy wave action in breaching the road from the South Sandy Pond side. Property owners along the Lake Ontario shore line have spent thousands of dollars installing tons of riprap. This barrier wall of tons of rock has kept the shoreline intact through both of the high water flooding years. When property owners felt it necessary they have added to their riprap walls with tons

more rocks costing thousands. Of dollars. They wouldn't be doing this if they didn't love their location just as we do. The access road leading to all of our properties has been there since the first cottages were built on this isthmus of land.. Installing a pipeline below it and replacing the road appears to be a very safe project.

This isthmus of land between Lake Ontario and South Sandy Pond has been here and used by the public for nearly 100 years ( I believe the deed/title to our property goes back to at least 1923). The chances of it being breached are nil. I have been told that the basic structure of our present cottage was one of the first 3 built on South Sandy Pond. The paragraph I have included below was in the document you posted to The Town of Sandy Creek. The paragraph backs up our contention that this project will **not** erode the stability of our area if the piping is allowed to be installed.

State Environmental Quality Review (SEQR) Determination

Project is a Type I action and will not have a significant effect on the environment. A coordinated review with other involved agencies was performed and a Negative Declaration is on file.

SEQR Lead Agency

Sandy Creek Town Board

Installation of municipal water is desperately needed by the residents on this road as well as those within the CEHA on N. Rainbow shores Rd. We are lucky because we are able to drive near our cottage but I find the high flights of stairs that most of the residents have to climb makes carrying jugs of heavy water difficult to do on a constant basis. Many of our residents are not young and the burden of carrying heavy jugs of water up 2 - 4 flights of stairs is a major hardship. About 3 years ago when we were included in Water District # 3, we were overjoyed at the prospect of getting good water. When we were informed that we were cut out and rejected, inclusion in the installation we were devastated. I think you can understand why we feel compelled to be included again.

Yours truly,

Patricia and Wayne McDougal

75 South Sandy Pond Inlet

*Pat M Dougal*  
*Wayne S McDougal*

Patrick and Peggy Morocco  
48 South Sandy Pond Inlet Road  
Sandy Creek, NY 13145  
315-374-0755



June 21, 2021

Mr. Kevin M. Balduzzi  
Deputy Regional Permit Administrator  
Division of Environmental Permits  
New York State Department of Environmental Conservation, Region 7  
615 Erie Blvd W.  
Syracuse, NY 13204

Re: Public Water for South Sandy Pond Inlet Road

Dear Kevin:

We are writing to respectfully request your approval to authorize the Town of Sandy Creek to extend public water access to the Sandy Island Beach State Park as well as the properties along South Sandy Pond Inlet Road.

Environmental and engineering studies show that this infrastructure improvement can be installed safely without any damage to the surrounding ecosystem. More importantly, all residents in the North and South Sandy Pond area strongly desire clean potable water for the health and safety of their families. The residents along South Sandy Pond Inlet Road are no exception. We have dealt with poor water quality standards for decades. The water level extremes of the last 4-5 years have only exasperated the situation and many residents had to redrill their wells in an attempt to lessen the particulates in their water (even though the water remains unfit for human consumption).

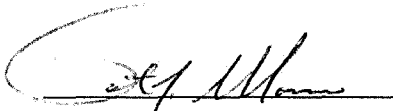
The high-water levels of 2017 and 2019 also caused aggressive coastal erosion along the entire shoreline of Eastern Ontario. Properties along South Sandy Pond Inlet Road were affected, but every property owner took measures to preserve the shoreline by installing additional rip rap along their respective waterfronts. In fact, what property owners were doing was protecting their valued investments. I share a sentiment of all property owners along South Sandy Pond Inlet that this area is unique, and we are going to do whatever it takes to preserve and protect our properties and the surrounding environment, if not for ourselves, for our children and for their children. In our case, we spent over \$24K to restore 61-feet of Ontario frontage without any reimbursement from New York State.



Kevin, we're respectfully requesting the DEC to approve the permit for public water access along South Sandy Pond Inlet Road. The project is safe, environmentally sound, protects the health and safety of the local residents and visitors to the Sandy Island Beach State Park. Given the actions property owners have taken over the last several years at their expense to protect their shoreline and property assets, risk of an unmitigated breach is an absolute minimum.

We would be happy to make ourselves available for any questions you might have. Thank you in advance for your consideration.

Sincerely,



Patrick J. Morocco



Peggy Morocco

Cc: US Rep Claudia Tenney  
49 Court Street,  
Suite 210  
Binghamton, NY 13901

NYS Sen Patty Ritchie  
317 Washington St.  
Dulles State Office Building, Room 418  
Watertown, NY 13601

Assemblyman William A. Barclay  
19 Canalview Mall  
Fulton, NY 13069

**From:** [Bill Orecchio](#)  
**To:** [Balduzzi, Kevin M \(DEC\)](#)  
**Subject:** DEC Rainbow Shores Water Project  
**Date:** Thursday, June 24, 2021 1:22:48 PM

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*ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.*

Dear Kevin,

We are writing this letter seeking help with a water problem we have encountered at our home on 143 N. Rainbow Shores Road. We are part of a group of people who were just denied city water by the DEC. We were referred to you by Pete Backus of Rainbow Shores Road. Our original well was dug in 1987, when the home was built. We purchased the home in 2007 with the intention of making this our retirement home. After our purchase we realized that the water in our home was contaminated and unable to consume or bathe. We later found out that the original well had been contaminated, and a well point was installed where the existing well was dug. We then were told that we probably would not find a good well anywhere on the property. Our hopes to retire here were again squashed when we were denied the city water, after waiting and hoping for 5 years. Last year, the algae plumes on North Sandy Pond with no drinking or bathing water, really made these homes on our street uninhabitable. We were unable to enjoy our vacation/retirement home with our children and grandchildren. And we are paying over \$12,0000.00 in taxes.

Our sea wall is not compromised. Our neighbors

have, and are still installing huge rocks, and our wall is in good shape. We have also purchased two unbuildable lots (132' of lake frontage next to us), which is within the coastal erosion line, essentially a large sand dune. One of the most important reasons we purchased this property was we wanted to protect this parcel from being destroyed by trespassers who were lighting fires and running motorcycles up and down on.

Please try to help us with this problem.

This was the letter dated June 20, 2020 submitted to the DEC. With no disrespect intended, I just can't understand why we were denied water, as our areas were not compromised during the recent flooding. The coast lines were even more fortified after the high water. The only negative was the antiquated Coastal Erosion Line. The other problem is that no sewers will probably be located in this area, which would add to the current problem of algae blooms in Lake Ontario and Sandy Pond. This, in turn, can compromise the health of the residents, as well as the contaminated well water.

Thank you in advance for your attention in this matter.

William and JoAnn Orecchio  
2229 South Branch Road  
Branchburg, New Jersey 08853

908-872-3259

June 19, 2021

Dear Mr. Balduzzi,

Please accept this letter and attachment as Public Comments for the application for a Variance for the Richland-Sandy Creek Joint Water Project. The attachment is the Letter of Support previously submitted by our group from North Rainbow Shores and South Sandy Pond Inlet Road when the Town sent in the application for the variance. I request that such letter to be on record as Public Comment also. Thank you. My personal Public Comment is as follows.

Throughout the municipal water dispute, I have expressed various concerns, questions, suggestions, etc. in an effort to understand the issues of this dispute and, as a result, to convince DEC of the necessity for the Project. Since I provided input on the responses to the questions of the narrative portion of the variance application, my ideas are already on record. So, I won't repeat those previously detailed arguments. However, for the record, and as a summary of those points, I ask DEC to acknowledge the following as consideration is given to the variance:

- 1- NEED: The "need" was clearly identified by the Town of Sandy Creek upon their initial decision to sponsor the proposed project for Water District #3 which included our two roads. The "need" was further substantiated by the personal accounts and hardships of many residents as noted in the individual letters/attachments to the variance, within the variance application itself, as well as from the group Letter of Support. There should be no question as to the legitimate "need" of this project.
- 2- RISK: DEC has expressed two concerns related to risk.
  - a) First, the project would "encourage further development" which is not desired by DEC. We assume this means the inevitability of more buildings, more people, more traffic etc. if the variance is approved. However, the residents have made it clear that there is no more land available for "building" development, and the residents do not desire to enlarge their own already-crowded properties, nor do they welcome more traffic/congestion, in general. Furthermore, any proposed building in the CEHA area must be approved by DEC. Therefore, DEC would control any proposals for new building. Consequently, "further or future development" should not be a legitimate concern. DEC has veto power.
  - b) Second concern: Since we are in the CEHA zone, might the buried water lines eventually be washed out from "projected" erosion from the Lake?  
We have yet to see any evidence that would support this projection, especially given the efforts by the residents to protect their property with thousands of dollars invested in hardscape/rip rap. Notably, DEC has failed to provide any data or empirical

evaluation demonstrating the actual amount of shoreline erosion over the past 40 years. Even if some erosion was recorded in 1990 or 2000, now the entire shoreline of the portions of the North Rainbow Shores and South Pond Inlet Roads, is protected by rip rap. There has been no evidence of any substantial erosion that could conceivably be projected to destroy first the land from the shoreline, then through the residences, then to the road and then finally, the buried water lines. Residents who have lived here the past 30-40 years have not witnessed any threat of erosion that could conceivably lead to road destruction. Even if this risk was remotely conceivable, it is really the concern of the Town and the residents to deal with....to make appropriate emergency plans. And, although a water line break would be inconvenient, it would not be an environmental risk, like an oil spill.

The issue of the CEHA zone brings us to the question of what is driving the “tentative” denial of the variance. Clearly, the reason for the initial lack of approval for the Project is 6 NYCRR 505.8(d)(5)--- the Regulation *prohibiting all development on primary dunes*. However, the “variance” should allow mitigating factors and circumstances unique to this project to override the strict interpretation of 505.8(d)(5). If not, then why the concept of a “variance” as an option in the process? The strict application of those 6 words in the Regulation have been argued in the application for the variance by the Town/residents. The Regulation apparently was enacted approximately 40 years ago when this “primary dune” was already developed with hardened roads, many buildings, septic systems, and utilities (poles for electric, telephone and eventually cable). One logically could conclude that the Regulation was speaking to “not enlarging the development” or footprint, and rightfully so given the congestion all around the Pond. But whether the Regulation also spoke to simply prohibiting an underground utility to enhance the quality of life for those residents already in place, and as such was no threat to the environment or risk to the residents.....no one knows. Maybe 40 years ago no one thought it would be possible to run water lines safely in remote areas or even under rivers and through dunes. But DEC has an opportunity, through the variance process, to weigh the risk vs need inherent in the Town’s request, given the type of development being pursued, and determine that 505.8(d)(5) need not be applied verbatim. There will be no new structures, just buried pipes. When it’s done, no one can even see the “development”.

Given the previous arguments eliminating the “risk” issues, why is the current “tentative decision” in response to the variance a denial ? “What is the worst that can happen, if the variance is approved given the definitive health and safety benefits offered by municipal water? A possible answer to this, although I hope not, is DEC’s concern that their approval would establish a precedent that would be cited in possible future variances for projects in the State, if such projects were not approved by DEC. Understandably an administrative concern. However, the reason this “precedence” shouldn’t be an issue is that every project must be judged on its own merits and unique situation. If our need is great and the risk is minimal, with the current development already in place, and the proposed new development consists of buried pipes, then a variance is not unreasonable. For another project with different conditions, a variance might not be reasonable.....or it might. But, judge each decision based

on the merits, not based on strictly 6 words in a Regulation that may not appropriately apply ..... or based on someone later saying, "me too". Saying "yes" to someone and "no" to someone else is not easy, but it may be the fair response. There is nothing so unequal as treating everyone (or thing) equally. That's why there is a variance option in the permitting process. Hopefully, this "precedence" factor is not in DEC's thinking.

Finally, on a technical, but important point..... given the current state of development of the two road areas, its obvious these areas don't fit the exact definition of a primary dune, since **the natural protective function of the dune** (due to the substantial development in the past) **has been reduced**. Section 505.3(c)(3). Therefore, the variance from Regulation 505.8(d)(5), as requested, should be granted, as it meets the regulatory criteria for a variance.

Thank you for considering these comments, Kevin. I hope they are taken into serious consideration.

Sincerely,

Pete Backus

125 North Rainbow Shores

Pulaski, NY 13142

June 22 , 2021

Dear Mr. Balduzzi,

This letter is submitted on behalf of residents on South Sandy Pond Inlet Road and North Rainbow Shores Road (camps #105 to #143 [the “Properties”]) as Public Comment in support of the variance application recently approved and submitted by the Town Board of the Town of Sandy Creek, Oswego County (the “Town”). The variance application seeks to remedy the significant hardship and harm resulting from the Properties not being included as part of the Town’s Water District #3 Project (the “Project”). Due to the DEC’s persuading the Town to eliminate the Properties from the Project (as initially proposed by the Town), we have been denied the opportunity to have clean water for our health and fire hydrants for the effective protection of our Properties.

We and our legal team have worked in collaboration with Town officials and engineers from Barton & Loguidice, per the variance application, to detail the many reasons why the variance application should be granted. We are committed to the process to resolve this issue and offer this letter as further support for the variance application.

In summary, as explained below:

- (1) The hardship to the residents resulting from deprivation of access to a readily available clean, reliable water supply is severe;
- (2) The DEC’s concerns regarding erosion and additional development potential are unsupported and, in any event, countermanded by regulatory restrictions and the residents’ historical actions regarding property protection; and
- (3) Given the already-existing extensive development throughout the subject dune area, any potential impairment of the natural protective function of the dune from the Project is likewise reduced, thus meriting the variance under the standards in 6 NYCRR 505.3(c)(3) and 505.13.

#### **1. The Project Would Remedy Severe Hardships: The Need For Clean Water And Fire Protection**

The variance application details the practical difficulty and hardship resulting from the Properties not being connected to the municipal water supply Project – namely, the lack of clean, uncontaminated water for residential purposes and a reliable water supply for fire hydrants for adequate fire protection. See Variance Application, criteria 1, 4 and 5, and Attachment 3 (Letters from Residents).

Relative to potable water, the residents have fully documented their dire need. Beyond aesthetic issues, such as iron and sulfur, there is a genuine health threat due to bacterial contaminants (e.g., coliform and E. coli) and other harmful pathogens, i.e., demonstrating direct influence in private wells from fecal contamination. Residents have attempted to address water quality issues by installing expensive equipment and shocking their wells, all to no avail. The contamination issues remain, thus presenting a bona fide health problem which will continue into the foreseeable future absent being able to connect to the Project.

Currently, residents carry in potable water for drinking and cooking. Contamination issues have heightened over the years with additional flooding events in 2017 and 2019. Overall, residents’ ability to use their properties for their intended residential purposes (i.e., recreation, retirement, peaceful enjoyment, a family gathering place for future generations) stands in question, wholly jeopardized by the lack of a clean, reliable water supply – which is now readily available and within striking distance due to the Project.

The lack of a municipal water supply also means the inability to have fire hydrants. This, in turn, jeopardizes the ability of residents to protect life, limb and their properties from fire-related occurrences. Again, this hardship would be remedied by granting the variance and connecting the Properties to the municipal water supply.

## **2. Concerns Regarding Significant Erosion Potential And Increased Development Are Unfounded**

### **A. Erosion Potential**

As explained in the variance application (and as further detailed here), we strenuously disagree with DEC's position that there is a significant potential for erosion that could threaten the Project if water lines were installed in the Coastal Erosion Hazard Area ("CEHA"). With all due respect, DEC's position stands unsupported by any historical evidence. Further, DEC's position is undermined by the consistent proactive stance that the residents have taken relative to protecting their properties.

First, as to data (or lack thereof), it is our understanding that, at some point in the 1980s, projections of future rates of erosion (in feet/year) were made. These projections were supposed to be assessed and reassessed with actual erosion data, collected every ten years. We have tried repeatedly to uncover or obtain these data, but seemingly no such data exist. Notably, DEC has failed to provide any data or empirical evaluation demonstrating the actual amount of shoreline erosion over the past 40 years. And, based on first-hand observations of, and actions by, the residents in the CEHA, there is no such foreseeable threat, meaning the requested variance should be granted.

More specifically, while the residents have acknowledged the potential for shoreline erosion from high water events, that is a non-issue for this Project, because the residents have acted immediately (and will continue to act immediately) to protect their properties/investment. The mitigation – approved by the DEC – has been the installation of tons of rip rap on the shoreline. This has resulted in protecting the shoreline, and, in turn, the individual properties (structures, lawn, deck, camp, garage, wells, septic) and the intervening roadways. In other words, the residents' commitment to protecting their properties through the installation of revetments likewise protects the hardened roadways under which the proposed water lines would be placed. Given the real shoreline protection that exists presently, the very limited actual shoreline erosion that has occurred to date since 1985, and the attestations/observations of residents who have lived in their cottages for 60 years (i.e., that the roads have never eroded and remain intact), the DEC's position is wholly speculative. Such speculation does not, and cannot, outweigh the benefit of a clean, uncontaminated water supply for CEHA residents.

In short, there is a genuine public health problem here that can be fully remedied by this Project. DEC's claimed – but wholly unsubstantiated – threat of possible future erosion impairing the under-road water lines should not outweigh residents' ability to have access to a clean municipal water supply. Given the lack of any evidence whatsoever supporting the DEC's position, it is simply inequitable that the residents in the CEHA should be denied municipal water rights when neighbors several hundred feet away are enjoying these benefits.

### **B. New/Increased Development in the CEHA**

We likewise respectfully disagree with the DEC's position that extending the Project into the CEHA will result in further development of the area. This slippery slope argument is belied by both the governing regulatory restrictions and the spatial constraints of the area.

First and foremost, under the Part 505 regulations, DEC controls all development in the CEHA; that is, DEC has veto power over any development proposal. Secondly, as a practical matter, there is no additional room or vacant space for development. Waterfront property has been bought up over the last 30 years. The two remaining available undeveloped lots (located just past the dead end of North Rainbow Shores Road abutting the sand dunes) were recently bought by a neighboring landowner to protect his privacy. See Variance Application, Attachment 3 (letter from William and JoAnn



Orecchio, dated July 22, 2020). On lots that already have structures, space is tight. None of the residents wants more congestion, traffic, noise or additional development. Residents simply wish to maintain their current properties, without major improvements to warrant tax increase, and then, in most instances, pass down their properties to family members. New development, therefore, is not an issue from either a regulatory or practical perspective.

### **3. Strict Interpretation Of Part 505.8(d)(5) Is Not Warranted; Under Part 505.3 And 505.13, The Requested Variance Should Be Granted**

Town officials informed us that DEC's concerns about extending the Project into the CEHA focused on Regulation 505.8(d)(5) -- namely, that our Properties are located on a "primary dune." We respectfully maintain that, given the state of development of the area and the daily uses/activities on and around these Properties, DEC should adopt a less strict interpretation/application of the Part 505 regulations.

This area has been developed for the past 75 years and currently has camps, garages, wells, septic systems, utilities, and a hardened road that connects the Properties. It is not a soft dune. It is not a dune in pristine, undeveloped state (as contemplated by the regulations). See 6 NYCRR 505.8(d)(2) (prohibiting vehicular traffic on a primary dune). The dune at issue here has established roadways and plenty of traffic. The road has accommodated not only traffic by cars, but also large trucks (delivering rip rap), excavating equipment, propane delivery trucks, garbage trucks, utility poles and lines, etc. This is the same road under which the proposed water lines would be laid. It is the same road that connects us to our neighbors on the same "dune" where the same municipal water lines were installed for them in 2020 under this same Project.

As indicated above, the restrictions in Part 505.8 regarding "primary dunes" include a prohibition on vehicular traffic. While "grandfathering" under Environmental Conservation Law ("ECL") 34-0113 accounts for the allowance of the roadways and traffic in the CEHA, the factual reality of the existing development should be considered in deciding this variance request.

Under Part 505.3(c)(3), in considering a request for permit or variance, the DEC is required to consider (among other things) the natural protective function of the dune. Given the present highly developed state of the dune, it is fair to say that the dune's natural protective function is diminished. This, in turn, skews the weighing calculus in favor of granting the variance. This conclusion is further underscored by the fact that the road/dune has withstood heavy use with no ill effect for the past 75 years; and there is no data suggesting any different result for the foreseeable future.

In the end, the benefits of the proposed new development -- clean water and effective fire protection -- overwhelmingly outweigh a strict interpretation of 505.8(d)(5) under these facts. Consequently, we urge the DEC to approve the requested variance in fairness to the residents.

We appreciate the DEC's serious consideration of the arguments and concerns identified in this letter and in the application for the variance. We are committed to pursue our right to clean water and will pursue all legal remedies available to us. Again, we appreciate consideration of our position and look forward to a positive response.

Note: There are no signatures attached to the names below since, as seasonal residents, they are spread throughout the State at their primary residences. Each of them has received a copy of this letter and has endorsed it, thus allowing their names to be included. The State Park, which is in the CEHA area also and was originally scheduled to receive water, is not listed below. It is our understanding that legally, as a State agency, they cannot be part of this dispute. However, we have been told by their representative that they would certainly benefit from and welcome the municipal water services.

Respectfully Submitted,

**North Rainbow Shores Road**

Oliver/Stevens	Camp #107
Shea, S	116
Shea, J	118
Backus	123/125
Gochanour	127
Orecchio	143/145/147

**South Sandy Pond Inlet Road**

Morrocco	Camp # 48
Radicello	50
O'Haver	52
Lach	54
Sherman	58
Chapman	60/62

**South Sandy Pond Inlet Road**

Johnson	38
Williams	40
Bushneck/Pierce	42
Korolenko	46

Ledden	64
McDougal	75
Wibbe	82
McCormick	84
Reid	86
Newcomb	92
Valvalo	112
Chelsey	122

Bruce and Lynnette Radicello  
7916 Glenbrook Drive  
Baldwinsville, NY 13027

June 17, 2021

Kevin M. Balduzzi, Deputy Regional Permit Administrator  
Division of Environmental Permits  
New York State DEC, Region 7  
615 Erie Boulevard West  
Syracuse, NY 13204



Mr. Balduzzi,

We have owned a cottage at 50 South Sandy Pond Inlet, in the township of Sandy Creek since 2003. The Town of Sandy Creek proposed a water district to provide much needed clean and safe drinking water to the residents. However, the Town of Sandy Creek informed us that the DEC would not approve municipal water infrastructure for our section of cottages on South Sandy Pond Inlet I am writing to urge the DEC to reverse their position and allow the Town of Sandy Creek to provide clean and safe water.

The denial letter cited that our cottages are in an area of coastal erosion. However, the cottages in this tract are in no more danger of coastal erosion than many other cottages on the lake that were granted municipal water. The data used to define the coastal erosion area is over 40 years old. No update or re-evaluation has been published. We would suggest there has not been as much erosion as forecasted decades ago. Since the 1980's many things have changed, especially the increases in shoreline hardening provided by rip rap projects all along the waterfront. Most recently, this lake and pond shoreline hardening was redone along this stretch of lakefront in 2020 to prevent high water erosion damage like what was experienced in 2017 and 2019. This was encouraged by the State of New York with grants, resulting in the landowners to employ contractors to provide rip rap to protect their property and homes. These projects included hardening on both South Sandy Pond and Lake Ontario. Our project included a seawall on the shoreline of South Sandy Pond costing \$6500 and hardening the shoreline on Lake Ontario costing \$20,000. The result of the combined projects is that erosion is greatly reduced. Similar areas in this area also facing two waterfronts were approved for water and in fact, have had the water lines installed.

The lack of clean and safe water is a public health concern. During the high-water years of 2017 and 2019 the Town of Sandy Creek advised residents not to drink well water because of probable contamination due to the high lake water. As our wells are very close to the lake, we are still susceptible to a repeat of the dangers the next time there is high lake water. This is not just drinking water, but also water for washing dishes, brushing teeth, showering. Due to the small lot sizes, our wells are also in close proximity to septic systems. Again, a health hazard.

At this time, we currently bring in drinking water in plastic gallon containers and individual water bottles resulting in a huge use of plastic. For showering and cleaning dishes we use the well water which is yellow to brown in color with a noticeable and lingering odor. We and neighbors need to redrill well points as they become clogged or stop working. We feel this drilling is a potential source of damage to the sand dune. Pumping directly from the lake will not be much safer for consumption. There is often heavy silt and organics flowing from the river inlets, algal blooms, including sometimes toxic conditions that shutdown nearby beaches. Another hazard is the lack of fire hydrants.

We heard that DEC desires to discourage further development along this section of the shoreline. How is development defined? All open parcels were purchased and structures built decades ago. The lots are small so this is not a case of sub-division or tearing down existing structures to build mega-mansions. If development is defined as not only structures, but includes infrastructure, water is no different than electric power, cable and internet. Development has already occurred along this stretch. Water infrastructure is under no more danger in this tract than any other that is established on the lakefront.

We recognize that our home resides on an unique land feature and as such we feel we are obligated to be responsible stewards of the land. As such, we believe that providing municipal water into this already developed area will result in less environmental damage by decreasing use of plastics and provide more stability to the land form as we discontinue well digging. As it is our obligation to strategically care for the land form, it is also a shared community obligation to provide safe drinking water.

"To conserve, improve and protect New York's natural resources and environment and to prevent, abate and control water, land and air pollution, in order to enhance the health, safety and welfare of the people of the state and their overall economic and social well-being."

DEC's goal is to achieve this mission through the simultaneous pursuit of environmental quality, public health, economic prosperity and social well-being, including environmental justice and the empowerment of individuals to participate in environmental decisions that affect their lives. (DEC Website, June 17, 2021):

It appears that the DEC mission and goal includes enabling us to protect the unique land features and to support the health and safety of the public. We respectfully ask that DEC reverse their decision and allow the Town of Sandy Creek to implement the planned access to safe drinking water.

Sincerely,

A handwritten signature in cursive script that reads "Lynnette and Bruce Radicello". The ink is dark and the signature is fluid and connected.

Lynnette and Bruce Radicello

JUN 21 2021

Environmental  
Permits

June 16, 2021

Kevin M. Balduzzi, Deputy Regional Permit Administrator  
Division of Environmental Permits  
New York State DEC, Region 7  
615 Erie Boulevard West  
Syracuse, NY 13204

Re: Richland – Sandy Creek Joint Water Project

Dear Mr. Balduzzi,

According to the NYS Department of Environmental Conservation Notice of Complete Application dated June 2, 2021, the Article 34 Coastal Erosion Management Permit for a portion of the Richland-Sandy Creek Joint Water Project was issued a tentative determination to deny the Coastal Erosion Management Permit application under 6 NYCRR Part 505 (d)(5). This letter requests that you please reconsider that decision.

The Coastal Erosion Hazard Areas (CEHA) Law gives DEC the ability to map coastal erosion hazard areas and a permit is required for any soil disturbance and/or development located within the mapped areas. Natural protective features areas (NPFA) are mapped as 25 feet from the landward toe of the dune, 25 feet from the peak of a bluff, and the landward limit of a primary dune is mapped as 25 feet landward of its landward toe<sup>1</sup>. CEHA were mapped in the late 1980s and need to be updated. Appeals to change the map designation may be made if the (1) long-term average annual rate of shoreline recession was incorrectly established or (2) the area was erroneously identified as a natural protective feature area. The mapped area in this location needs updating and revision.

The area in consideration, from South Sandy Pond Inlet Road south to the middle of North Rainbow Shore Road, appears to be outside of the defined NPFA (primary dune). The planned water line would be trenched down the middle of the existing stone roadway. I used my family's residence (50 South Sandy Pond Inlet Road) as a point of reference. The distance from the toe of the dune to the road edge is 40 feet. This distance exceeds the defined 25 feet mapped buffer distance. Please refer to the attached map – Figure 1.

Furthermore, code 6 NYCRR Part 505 (d)(5) states that "All development is prohibited on primary dunes unless specifically allowed by this subdivision"<sup>2</sup>. Development on primary dunes is restricted due to concerns of erosion and that the project will allow further development of the area. In this case, the primary dune was developed and reinforced with rip-rap prior to the establishment of Part 505 Coastal

<sup>1</sup> NYSDEC, How are coastal areas regulated by the CEHA Permit Program? Accessed on June 16, 2021 from <https://www.dec.ny.gov/lands/86541.html>

<sup>2</sup> 6 CRR-NY 505.8, Restrictions of regulated activities within natural protective feature areas. Accessed on June 16, 2021 from [https://govt.westlaw.com/nycrr/Document/I4ebddb0dcd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/nycrr/Document/I4ebddb0dcd1711dda432a117e6e0f345?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))

Erosion Management and Erosion Hazard Areas. The  $\frac{1}{4}$  acre lots do not leave any vacant space for additional development. The existing residences are grandfathered in and it is very unlikely that any new building permits would be approved. Since the late 1970s, lakeside rip-rap has been reinforcing and stabilizing the shoreline. The shoreline has been stable and is not receding. After the uncharacteristically high-water level in 2019, additional riprap was permitted. Residences spent thousands of dollars to maintain the shoreline protection. Not only is the road where construction would occur, outside the CEHA, it is also on the inward side of the dune and is protected from any breaching of the dune by a significant amount of rip-rap reinforcements along the lake shore. It is also protected from flooding by seawalls on the pond shore. Therefore, this primary dune is *not* at high-risk for erosion and is *not* at risk for additional development.

Lastly, and most importantly, "The law that established DEC and authorizes its programs is called the Environmental Conservation Law (ECL). The ECL and its subsequent amendments are passed by the NYS legislature to protect the public health and safety".<sup>3</sup> The DEC has an obligation not only to protect sensitive natural features, but also to *protect public health and safety*. The 37 single family residences in this location do not have safe drinking water and denying the Town water line permit would allow the public health risk to continue. Denying this permit would go against one of the core beliefs and values of the NYS DEC.

The well water within my family's residence has an orange-brown tint and stains sinks, showers, clothing, etc., a rusty color. Rusty colored water can often indicate high levels of iron and manganese, which can potentially cause to nervous system damage<sup>4</sup>. Depending on the day, the well water has a foul, sulfur or metallic smell. Even after showering, my skin will have an unpleasant odor. This odor can potentially be caused by bacteria in the water. Again, as the residences were constructed prior to today's environmental and health standards, the necessary separation distance (100 ft)<sup>5</sup> between well and septic leach lines is not met. This is a public health risk.

Drinking the well water causes gastrointestinal discomfort and therefore we must carry in bottled water. This is a laborious process to haul multiple single-gallon and three-gallon jugs up the stairs to the residence. We are conservative and conscientious of our bottled water usage, but yet this much plastic use is not sustainable for the environment. To reduce our plastic waste, we refill and reuse the plastic water jugs with potable water offsite. However, this reuse of plastic comes with its own set of health concerns. My family has also tried alternatives to the well water, such as employing water filters and pumping water directly from the lake, with no improvement in water quality. Occasionally we take the

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<sup>3</sup> NYS DEC, Regulations and Enforcement. Accessed on June 16, 2021 from <https://www.dec.ny.gov/65.html#:~:text=The%20Environmental%20Conservation%20Law,the%20public%20health%20and%20safety>.

<sup>4</sup> NYS DOH, Individual Water Supply Wells – Fact Sheet #3. Accessed on June 16, 2021 from [https://www.health.ny.gov/environmental/water/drinking/regulations/fact\\_sheets/fs3\\_water\\_quality.htm](https://www.health.ny.gov/environmental/water/drinking/regulations/fact_sheets/fs3_water_quality.htm)

<sup>5</sup> NYS DOH, Part 5, Subpart 5-1 Standards for Water Wells – Appendix 5B. Accessed on June 16, 2021 from [https://www.health.ny.gov/regulations/nycrr/title\\_10/part\\_5/appendix\\_5b.htm](https://www.health.ny.gov/regulations/nycrr/title_10/part_5/appendix_5b.htm)

soap-on-a-sting into the lake as an alternative to showering in the well water. This is only feasible early on in the summer, because blue green algae producing microcystin toxins are generally present in the late summer.

In addition, during the first few weeks of well water use every season, the well water contains black flakes and with each passing year the water pressure decreases. Neighbors have experienced similar pressure decreases and have subsequently drilled new wells. To mobilize the necessary well-drilling equipment to a different residence each year (and year after year) could potentially cause more erosion over time than construction of the proposed water line. The water line installation would take place in a condensed time period and would be immediately returned to its former, stabilized, stone finish. During this process, there is little concern for erosion and sedimentation. However, I do not need to reiterate the minimal environmental impacts as the Notice of Complete Application specifies that the "Project is a Type I action and will not have a significant effect on the environment. A coordinated review with other involved agencies was performed and a Negative Declaration is on file".

In conclusion, I urge that DEC please reconsider their decision regarding the water line Coastal Erosion Management Permit. Variances may be applied in circumstances "where public funds are utilized, the public benefits clearly outweigh the long-term adverse effects for any proposed activities and development".<sup>6</sup> For the reasons listed above, I feel that a variance is necessary and warranted in this situation. I would be happy to further discuss this with you. Please contact me at \_\_\_\_\_ if you have additional questions.

Thank you for your consideration,



Rachel Radicello, CPESC

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<sup>6</sup> NYS DEC, Coastal Erosion Management Permit: Application Procedures. Access on June 16, 2021 from <https://www.dec.ny.gov/permits/86547.html>

Kevin Balduzzi  
NYSDEC  
615 Erie Boulevard West  
Syracuse, NY 13204-7438



Re: Town of Sandy Creek  
Municipal Water System

Dear Mr. Balduzzi;

We are writing this letter in strong support of the Water Distribution Project for South Sandy Pond Inlet Road as we have concerns over the water quality/quantity of our well especially with the impacts of the highwater events from 2017 & 2019 which compromised our well further.

Over the 24 years that we have been residents at our home, we have had numerous water quality issues. These issues have ranged from aesthetic issues such as iron and sulfur, but has also tested positive for both coliform and E. coli . We spent an initial capital cost of over \$2,000 to try and alleviate some of these issues but the operation and maintenance of this system has been burdensome. Currently we bring potable water in for all of our drinking and food preparation needs. Our major concern is the testing positive for both coliform and E. Coli. We have shocked our well in the past but that has only been a short term solution and we are in need of a long term solution. We understand that both coliform and E. Coli are indicators of the water quality but also indicate that other more harmful pathogens may be present. With testing positive for E. Coli which is typically not present and reproducing in the environment, this indicates a direct influence from fecal pollution. According to NYSDEC Water Inventory/Priority Waterbodies (WI/PWL) listing, North Pond is assessed as needing verification of impacts and on-site septic systems are listed as a probable cause of negatively impacting the water body. Even though South Pond is not on this priority list, with the proximity to North Pond and the interconnecting



channel, there is no doubt that South Pond is being influenced by North Pond and most likely has the same impacts from on-site septic systems(see map below). With prevailing winds from the West, many times the water flows from North Pond into South Pond via the channel and can raise levels as much as 1'.

Both North and South Sandy Pond may be impaired by nitrogen and phosphorus and resulting algal blooms and plant growth in the shallow waters. With the most recent flood disasters of 2017 and 2019 that elevated water elevations, our concerns have been heightened as our dug well has been compromised further with surface water right up to the well. We are told that this is the new normal of having both high water and low water events like this year. This further illustrates the public health need for municipal water if these conditions are the new normal.

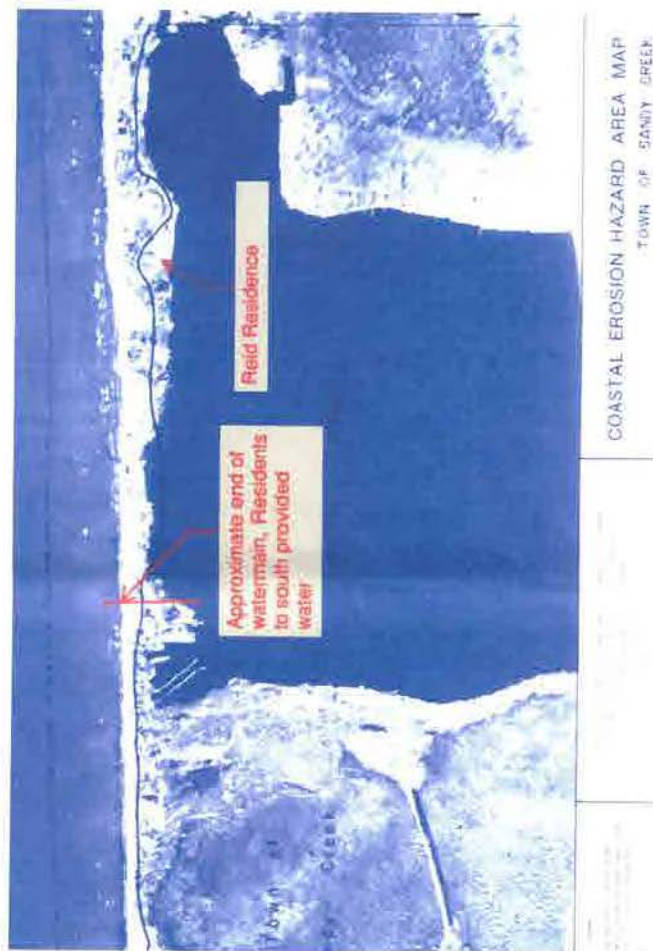
Unfortunately, with limited space on our property and other properties along the road facing the same challenge, drilling a new well isn't feasible. The ground water is directly impacted by the levels, proximity and water quality of South Pond which is evident from our positive coliform and E. coli testing. Drilling a new well 50' away would most likely result in the same water quality issues.

**Lakeside shoreline :** The Lake side portion of our property continues to be well protected from erosion with rip rap that was implemented before we purchased the property more than 24 years ago. With the recent high-water events, our lake side shoreline didn't have any damage. Most of the shoreline on the Lake side on South Sandy Pond Inlet Road has a hardened armor that protects it from wave action with some being installed recently as homeowners want to protect their investment. There is a small section located at the State Park that is more exposed as this is where the coast line changes to a sandy shoreline/beach. During the high-water events, the State did implement rip rap to help stabilize the shore-line further.

**South Sandy Pond shoreline :** To remedy erosion from 2017 and 2019 high water levels , Coffin Gravel & Excavating raised the east sea wall another 18 inches and replaced the boat ramp and the sea wall on the south side of our property to prevent further erosion. The total cost was about \$30,000.



**Coastal Erosion Hazard Area** – We are told that one of the main reasons why we are not getting water is because we are in a Coastal Erosion Hazard Area. We understand that residents on Rainbow Shores Road recently received municipal water and they are in coastal erosion hazard area as well, with similar physical traits(see map below). I believe that the residents on our road are further protected by coastal erosion with the recent shoreline stabilization measures taken and higher elevations on the lake side. We and other residents would like to have access to municipal water just like the majority of all the residents on South Pond. We feel that the small risks associated with a watermain being located in a coastal erosion hazard area are outweighed by the health concerns that are present with our water system and others.



Again, due to the health concerns provided above, we are in full support of a municipal water system for South Sandy Pond Inlet Road. Our neighbors that surround South Sandy Pond were fortunate enough to receive potable water and we hope we may too benefit to correct this health concern that exists.

Thank You,

Bonnie and Mel Reid  
86 South Sandy Pond Inlet Rd  
Pulaski, N.Y  
315-486-2639

James Shea  
118 North Rainbow Shores Rd.  
Pulaski, NY 13142  
315-391-3851

NYS DEC  
Region 7 Syracuse

JUN 21 2021

Environmental  
Permits

June 18, 2021

Kevin M. Balduzzi  
Deputy Regional Permit Administrator  
Division of Environmental Permits  
New York State Department of Environmental Conservation  
615 Erie Blvd. West  
Syracuse, NY 13204

Re: Denial of Municipal Water at North Rainbow Shores Rd.

Dear Mr. Balduzzi,

I have lived on North Rainbow Shores Rd. for over 60 years and myself and others have been severely impacted by flooding and storm erosion during the 1970s, 1980s and more recently 2017 and 2019. Each of these flooding and storm events has brought extreme hardship on my family along with others who live along the lakeshore. Over the years I have worked tirelessly to preserve and restore my property spending tens of thousands of dollars after each of these disasters. I have invested in my property along the lake all these years because the beauty and recreational activities were worth the effort and costs. Our cottage has been in our family for 4 generations, and we intend it will stay in the family for many generations to come.

While these flood and storm events have come and gone over the years, one constant source of hardship has been contaminated water. In an effort to find clean water over the years I have put in over 6 different wells, drawn water from the south pond and lake, and put in very expensive filtration systems. None of these efforts has proved successful in finding a clean and reliable water supply for various reasons. This year our water is more contaminated and foul smelling than ever due to extremely low water. In addition, the well is already showing signs that it is likely to run dry.

Lack of reliable and clean water results in residents experiencing:

- E-Coli and other bacterial/viral contamination making it unsafe to drink, wash hands, take showers, wash dishes etc.
- Rust contamination that taints toilet, showers, sinks and dishwashing water
- Sulphur contamination so bad that foul smells are not mitigated with filters
- Increased risk of property damage to from fire due to lack of fire hydrants

As you know, we were originally included in water district # 3 because the town of Sandy Creek determined that the availability of public water was critical for the protection of health, safety, and welfare of the residents around North and South Sandy Pond for the same reasons as detailed above.

We all appreciate and respect the role that DEC plays in protecting the environment and natural habitat. If this water project had a profoundly negative impact on the environment, we could at least understand a denial. However, in your letter of complete application sent to the Town of Sandy Creek on June 2<sup>nd</sup> 2021 your letter quotes the State Environmental Quality Review (SEQR) Determination as follows:

Project is a Type I action and will not have a significant effect on the environment. A coordinated review with other involved agencies was performed and a Negative Declaration is on file.

We also understand your stated concern that the water project may encourage further development along the North Rainbow Shores Road and Sandy Pond Inlet Road. However, this concern is mitigated by the facts that there are no vacant or undeveloped lots in the denial area that could be developed, and the Town and DEC must approve any development in the denial areas. Therefore, DEC and the town do have control over what gets developed. For these reasons we do not understand the concern about further development in our areas. No condos or high rise buildings can go up as a result of our getting municipal water.

Another stated concern was the risk of further erosion in our areas of the road damaging the water pipes. I can tell you from personal experience over the past 65 years that despite all the floods, storms, and other natural events, our denied sections of the road have never been washed out or eroded. In addition, over the years we have all spent tens of thousand of dollars protecting the shoreline with rip-rap to protect our road and cottages.

In fact, following the severe flooding in 2017, a DEC newsletter attached (Sandy Pond Dunes Erosion and Protection Summer 2017) reports as follows: “ DEC coastal engineers evaluated dune systems and found no immediate threat of a breach. Engineers continue to assess the other impacts, but the long term trend is for sand accumulation in these areas.” A high or even moderate risk of the road washing out and taking out buried water pipe 3 ft down is not supported by our experience or even your own DEC coastal engineers. The landowners, Town of Sandy Creek, and Barton & Loguidice Engineers all agree that the risk of water pipe damage is not significantly greater than other areas of the water district and have agreed to accept any risk that may be present. Why DEC considers this a high risk does not make sense to any of the other parties involved.

Restoring and protecting our properties from the effects of the severe flooding in 2017 and 2019 has left me and other residents in the area personally exhausted and traumatized. To now argue with DEC over our right to municipal water is absurd. As a citizen and taxpayer who funds DEC staffing, I would expect DEC staff to be sympathetic and supportive of our right to a reliable and fresh water supply especially considering the facts that:

- There is no significant impact on the environment
- There is no real threat of expanded development in the area
- There is no high risk of water pipe damage from road erosion
- Areas of the road that were denied are no more vulnerable than other areas of the road that were approved for town water

Myself and all the others affected by this municipal water denial have all banded together and are appealing to your sense of fairness and concern for the human environment. Residents affected by this denial must continue to live in extreme hardship if denied access to a municipal water supply. We expect our DEC to be as concerned for the human environment as you are for the other natural environments and to consider any decision in this perspective.

Perhaps after reading the public comment letters, you may gain further understanding of the hardship that a lack of a reliable and clean water supply presents to property owners along the areas affected by your denying us municipal water.

Thank you for your consideration.

Best Regards,

*James R. Shea*

James R. Shea

CC: Will Barclay, Assemblyman  
Governor Andrew Cuomo  
Basil Segos, DEC Commissioner  
Matt Markos, Regional Director, DEC Region 7

James Shea  
118 North Rainbow Shores Rd.  
Pulaski, NY 13142  
315-391-3851



June 18, 2021  
Kevin M. Balduzzi  
Deputy Regional Permit Administrator  
Division of Environmental Permits  
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615 Erie Blvd. West  
Syracuse, NY 13204



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Thank you for your consideration.

Best Regards,

*James R. Shea*

James R. Shea

CC: Will Barclay, Assemblyman  
Governor Andrew Cuomo  
Basil Segos, DEC Commissioner  
Matt Markos, Regional Director, DEC Region 7

Marianne Sherman  
58 S Sandy Pond Inlet  
Pulaski, NY 13142  
(315) 727-6595  
[marianne.sherman@hotmail.com](mailto:marianne.sherman@hotmail.com)



July 21, 2021

Kevin Balduzzi  
NYSDEC  
615 Erie Blvd West  
Syracuse, NY 13204-7438  
(315) 426-7438

RE: South Sandy Pond Inlet water project

Dear Mr Balduzzi

As you are aware, all the residents along South Sandy Pond Inlet and North Rainbow Shores road in Pulaski are desperate for clean and safe water in our homes. While many of the homeowners are seasonal, not everyone is. I am in fact, a permanent resident, and the lack of clean and safe water is a difficult and bothersome hardship.

The homes in the area have been here for 50+ years, and water was better in years past and has progressively deteriorated to the point where it's now just plain horrible: rust, sulfur, and biological contaminants. It's just not safe, causing all the neighbors to haul in clean water for drinking and cooking. There are no lots available for any new construction that I'm aware of. And most of the home owners have installed considerable rip rap and retaining walls (which were approved by the DEC) to ensure any future breakthroughs and erosion are minimized.

We all are truly desperate for clean water, and hope you will consider approving the proposed water line to provide us with reliable and clean water.

Your attention to our concerns is greatly appreciated!

Sincerely

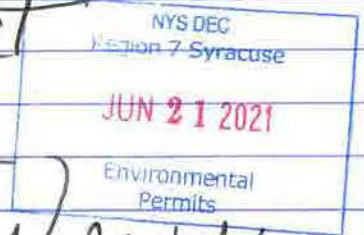
A handwritten signature in cursive script that reads "Marianne Sherman".

Marianne Sherman



Re June 2021  
PAGE 1

MARGOT WIBBE  
82 South Sandy Ford TRILET  
315.706.6783  
Margotwibbe32@gmail.com



Re: Variance / APPLICATION DENIAL

KEVIN BALOUZZI  
DEPUTY REGIONAL PERMIT ADMIN.  
NYS DEC Region 7  
615 ERIE BLVD W., SYRACUSE, NY 13204

DEAR KEVIN,

I "LIVE" AT MY RESIDENCE MAY -  
OCTOBER AND NEED AND REQUEST  
SAFE, CLEAN, AND CLEAR WATER  
FOR HEALTH AND SAFETY AND  
CONVENIENCE.

THE FOLLOWING IS A LIST OF THE CURRENT  
STATUSES OF MY WELL WATERS

- CONTAINS SULFUR, IRON, IMPURITIES,  
TANNINS AND DANGEROUS BACTERIA  
SUCH AS ECOLI
- SHOWERS ARE MURKY IN COLOR, FOUL  
SMELLING, AND IRRITATE MY SKIN.
- DRINKING AND COOKING WATER HAS  
TO BE CARRIED FROM THE ROAD "UP" TO  
MY DWELLING. NOTE: AS A SINGLE SENIOR  
CITIZEN THIS IS NOT EASY
- IF I WASH CLOTHES, SOME OFTEN BECOME

KEVIN BALOUZZI (cont)

- STAINED AND NO LONGER WEARABLE.
- SINCE I AM AT MY COTTAGE THE MAJORITY OF MY DAY, I HAVE TO PURCHASE AND CARRY APPROXIMATELY 40 GALLONS OF WATER / MONTH TO DRINK AND COOK WITH.
- THE SINKS NOT ONLY STAIN BUT SMELL OF SULFUR AND ARE LIGHT BROWN IN COLOR.

I BELIEVE THESE POOR AND UNSAFE WATER ISSUES WOULD NOT MEET YOU AND YOUR FAMILY EXPECTATIONS AND RIGHT. I HOPE YOU CAN THINK OF THIS THROUGH YOUR AND MY EYES, AND APPROVE THE SAFE WATER INSTALLATION.

FINALLY, AS YOU KNOW THE ENGINEERS HAVE INDICATED THE INSTALLATION PATH IS WELL PROTECTED AND IN NO DANGER TO BE BREACHED.

THANK YOU FOR TAKING THE TIME TO HEAR HOW BADLY WE ARE AFFECTED AND THE DEC CAN FEEL COMFORTABLE IN ALLOWING THE INSTALLATION TO PROCEED.

Yours Truly,  
Margot Wisse

C.C. GOV. CHARLES SCHUMER

**From:** [cheryl@gpmarina.com](mailto:cheryl@gpmarina.com)  
**To:** [Balduzzi, Kevin M \(DEC\)](#)  
**Subject:** comment on Richland-Sandy Creek Joint Water Project  
**Date:** Thursday, June 24, 2021 1:17:46 PM

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ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Re: Application ID# 7-3599-00040/00003

Dear Kevin Balduzzi,

As a prior Town Board member, Water Advisory Board member, life time resident, former educator, Property taxpayer and present business owner who cares deeply for the area and it's residents I would like to express my opinion on the variance for this application. As a Town Board Member we discussed the area in question before it was ever added to the Map Plan and Report. As it was well established with homes and seasonal cottages just as Ramona Beach area was when Richland did that project we didn't see an issue. These folks have had their wells compromised from the two high water events (2017 & 2019). The rest of us have been held up from the Districts being able to start the project and of course the folks on this shore line are concerned for the future.

Please consider this project possible for the safety and health of these folks and the tax base for the Township of Sandy Creek.

Thank you,

Cheryl L. Yerdon, Greene Point Mobile Home Park & Marina, LLC