

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3

21 South Putt Corners Road, New Paltz, NY 12561-1620

P: (845) 256-3054 | F: (845) 255-4659

www.dec.ny.gov



**Department of
Environmental
Conservation**

September 15, 2021

VIA EMAIL

Town of Wappinger Planning Board

Bea Ogunti

Secretary

bogunti@townofwappingerny.gov

Re: LANDS OF SMITH SUBDIVISION
Town of Wappinger, Dutchess County
DEC ID: 3-1356-00329/00001
SEQR Lead Agency Response

Dear Town of Wappinger Planning Board,

The Department of Environmental Conservation (DEC or Department) received your State Environmental Quality Review Act (SEQR) Lead Agency Coordination on August 27th, 2021. The proposal involves the subdivision of a 3.98-acre parcel into 3 lots. The existing single-family residence and associated buildings are proposed to remain on Lot 1. New single-family residences are proposed to be built on each of the remaining two lots. The project site is located at 3 Losee Road in Wappingers Falls. The Department has no objection to the Town of Wappinger Planning Board serving as lead agency for this project. Based on our review of the submitted materials, including the EAF, we offer the following comments:

PROTECTION OF WATERS STREAM DISTURBANCE

There are no waterbodies that appear on our regulatory maps at the location you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, and a Protection of Waters permit may or may not be required to disturb its bed or banks. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit would not be required to disturb its bed or banks.

If a permit is not required, please note, however, you are still responsible for ensuring that work shall not pollute any stream or waterbody. Care shall be taken to stabilize any disturbed areas promptly after construction, and all necessary precautions shall be taken to prevent contamination of the stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other pollutant associated with the project.



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FRESHWATER WETLANDS

Your project/site is not within a New York State-protected Freshwater Wetland. However, please contact your town officials and the United States Army Corps of Engineers in New York City, (917) 790-8411, for any permitting they might require.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following state-listed species:

Name	Status
Indiana Bat (<i>Myotis sodalis</i>)	Endangered

A permit is required for the incidental taking of any species listed as "endangered" or "threatened", which can include removal of habitat. Tree removal associated with this project should occur within the appropriate time of the year work window, October 1 through March 31, to avoid direct impacts to individuals and the need for an Article 11 take permit. If tree clearing cannot be completed within the acceptable time of year restriction, further review will be required.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or significant habitats do not exist on or adjacent to the proposed site. Rather, our files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. Depending on the nature of the project and the conditions at the project site, further information from on-site surveys or other sources may be required to fully assess impacts on biological resources.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER

If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

OTHER

Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. Also, regulations applicable to the location subject to this determination occasionally are revised and you should, therefore, verify the need for permits if your project is delayed or postponed. This determination regarding the need for permits will remain effective for a maximum of one year unless you are otherwise notified. More information about DEC permits may be found at our website,

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www.dec.ny.gov, under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

Please feel free to contact this office if you have questions regarding the above information. Thank you.

Sincerely,

Glennys Romero Medina
Division of Environmental Permits
Region 3, Telephone No. (845)256-2250
Glennys.RomeroMedina@dec.ny.gov

Enclosure: Indiana Bat Project Review Fact Sheet

ecc: Pamela & Ronald Smith, Applicants