

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

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

Phone: (845) 256-3054 FAX: (845) 255-4659

Website: www.dec.ny.gov

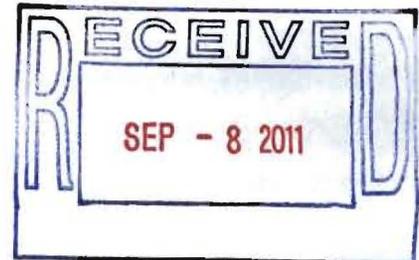


Joe Martens
Commissioner

September 6, 2011

Betty-Ann Sherer, Secretary
Town of Dover Planning Board
126 East Duncan Hill Road
Dover, NY 12522

RE: Response on Intent to be Lead Agency
Project: Dover Village Expansion
DEC Tracking # 3-1326-00239/00002
Town of Dover, Dutchess County



Dear Ms. Sherer:

We have reviewed the Notice of Intent to be Lead Agency pursuant to the State Environmental Quality Review (SEQR) of the above referenced project which our office received on August 18, 2011.

Department Jurisdiction

Based upon our review of the circulated documents, it appears that the project may require the Department permits pursuant the Environmental Conservation Law, as indicated below:

- Article 17, Titles 7, 8, State Pollutant Discharge Elimination System (SPDES) - Sanitary:** The applicant currently has a pending application for a SPDES to treat 21,000 gallons per day of treated waste from the existing Dover Village and from the adjacent Country Squires Apartments (SPDES ID # NY0142549). This application has been suspended pending formation of and transfer of the application to a sewage works corporation. This application or permit will have to be modified to include the proposed 2000 gallons per day of waste from the new retail facility.
- Article 27, Title 7, Solid Waste Management:** This proposal includes disturbance to the area of a former landfill, DEC Site # 314032. This site was used for the disposal of primarily residential waste with no record of hazardous materials. The SEQR Environmental Assessment Form (EAF) indicates that no material will be removed from the site. Pursuant to 6 NYCRR Part 360-1.7(b)(9) excavation within a nonhazardous inactive landfill for construction does not require a permit provided the material is not removed from the original footprint of the landfill. However, review and written approval of all plans by the Department is required to insure compliance with the regulations. Informal guidance on landfill disturbance is being provided by email to Richard Rennia, parcel owner and engineer.
- Article 17, Titles 7, 8, State Pollutant Discharge Elimination System (SPDES) - Stormwater:** This proposal includes greater than 1 acre of disturbance and will require a SPDES permit for the discharge of stormwater from construction activities. As subsurface and infiltration stormwater measures are proposed, the depth to waste material from the former

RE: Response on Intent to be Lead Agency
Project: Dover Village Expansion
DEC Tracking # 3-1326-00239/00002
Town of Dover, Dutchess County

landfill must be determined. Any infiltration into waste material would not be considered infiltration to natural soil and would not be permitted.

Threatened & Endangered Species: According to Department records, the following state-listed threatened or endangered species has(have) been recorded within or near the project site:

Species: bog turtle *Glyptemys muhlenbergii* NYS Status: Endangered

Species: ~~timber rattlesnake, *Crotalus horridus*~~ NYS status: Threatened

Please note that although the new sewage treatment plant was recently reviewed for impacts to these species, this proposal involves new, additional disturbances and a separate review is required. For further guidance on this matter, please contact the undersigned analyst.

By copy of this letter, we are advising project representatives of the potential need for these permits.

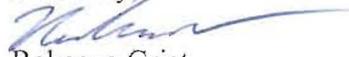
Additional Comments

In addition to the permit requirements noted above, the resources that are indicated below by a checked box should be evaluated during the review of this project under the State Environmental Quality Review (SEQR):

Cultural Resources: This site is less than 0.5 mile from a site listed on the National Registry of Historic Places - Tabor-Wing House, NY 22 and Cemetery Road (Registry ID 90NR00294). In addition the site is within an area identified by New York State as having archeological potential. A cultural resources assessment and review by the New York State Office of Parks, Recreation and Historic Preservation are required.

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project. Questions pertaining to the Department's jurisdiction or related matters should be directed to the undersigned analyst assigned to the project. Please refer to the DEC project number identified above in all correspondence to the Department. Thank you.

Sincerely,



Rebecca Crist

Environmental Analyst

Division of Environmental Permits

(845) 256-3014

Cc: John Joseph, Cedar Dover Plains, LLC
Dutchess County Dept of Health

Ecc: Richard Rennia, Dover Village LLC
Vijay Gandhi, DEC Division of Water
Steve Parisio, DEC Division of Materials Management

Natalie Browne, DEC Division of Water
Lisa Masi, DEC Bureau of Wildlife