



Joe Martens
Commissioner

December 9, 2013

RECEIVED

By Town of Dover- LandUse at 9:07 am, Dec 11, 2013

David Wylock
Town of Dover Planning Board
Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522

RE: SEQR Review: 207 Hutchinson Avenue - Olivet Center Site Restoration Erosion Control
Project ID: 4915
Town of Dover, Dutchess County

Dear Mr. Wylock:

We have reviewed the SEQR lead agency coordination request for the above referenced project which our office received on November 18, 2013.

LEAD AGENCY DESIGNATION

The Department has no objection to the Town of Dover Planning Board assuming lead agency status for this project. Your Response to Request form is attached.

DEPARTMENT JURISDICTION

Protection of Waters

The following stream is located within or near the site you indicated:

| Name | Class | DEC Water Index Number | Status |
|-----------------------|-------|------------------------|-----------------|
| Swamp River tributary | [C] | Conn. 15-4-6 | [Non-protected] |

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as "protected." **A permit is not required to disturb the bed or banks of "non-protected" streams.**

If a permit is not required, please note: the project sponsor is 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.

Freshwater Wetlands

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

State-listed Species

DEC has reviewed the State's Master Habitat Databank (MHDB) records. We have determined that the site is located near records of the following state-listed species: **Indiana bat (Endangered)**.

If the grubbing phase of this project will involve the removal of any trees greater than 4 inches diameter at breast height, then additional evaluation of the potential impacts to Indiana bat may be required. For further information contact Lisa Masi of Wildlife at (845) 256-2257.

State Pollutant Discharge Elimination System (SPDES) for Stormwater Discharges from Construction Activities

Regarding erosion/sedimentation control requirements: stormwater discharges require a SPDES Stormwater Permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

As this project will disturb more than 1 acre, a SPDES Stormwater Permit is required. This project may qualify for a Statewide General Permit. For more information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html> or contact the Department's Region 3 Division of Water, telephone 914-428-2505.

ADDITIONAL COMMENTS

Please note that this letter only addresses the requirements for the following permits from the Department:

Protection of Waters Master Habitat Databank Freshwater Wetlands SPDES Stormwater

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 this 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.

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

Sincerely,



Jean McAvoy

Region 3, Division of Environmental Permits

Telephone: 845/256-3165

Email: jvmcavoy@gw.dec.state.ny.us

Incl: Response to Request form

Town of Dover Planning Board

Town of Dover
126 East Duncan Hill Road
Dover Plains, NY 12522



(845) 832-6111ext 100

Proposed Lead Agency: Dover Planning Board
Name of Action/Project: Olivet Center Site Restoration Erosion Control Permit
Name of Applicant: Olivet Management, Property Owner

**RESPONSE TO REQUEST THAT THE ABOVE NAMED AGENCY
SERVE AS LEAD AGENCY REGARDING THE ABOVE ACTION**

On behalf of NYS DEC (involved agency), I acknowledge receipt of the lead agency notice in this matter.

The above named involved agency hereby: (Please check one)

- CONSENTS* that the above named agency serve as lead agency in this application, and requests that the undersigned continue to be notified of SEQR determinations, proceedings and hearings in this matter.
- Enclosed you will find a letter of comment
- DOES NOT CONSENT* to the above named agency serving as lead agency in this application and wishes that _____ serve as lead agency. To contest lead agency designation, the undersigned intends to follow the procedures outlined in 6 NYCRR 617.6 (e).
- TAKES NO POSITION* on lead agency designation.

December 9, 2013
Date

Jean McAvoy
Signature

NYS DEC
Agency Name

Jean McAvoy
Printed

Please return to:
Town of Dover Planning Board
126 East Duncan Hill Road
Dover, NY 12522