



**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
MEADOW BROOK PROPERTIES LLC  
25 BANKS HILL RD  
PAWLING, NY 12564  
(845) 855-9164

**Facility:**  
MEADOWBROOK SUBDIVISION  
3290 ST RTE 22  
DOVER, NY

**Facility Location:** in DOVER in DUTCHESS COUNTY

**Facility Principal Reference Point:** NYTM-E: 617.886      NYTM-N: 4622.826  
Latitude: 41°44'54.7" Longitude: 73°34'55.7"

**Project Location:** Appr. 0.25 miles north of the intersection of NYS Rte. 22 and Tinker Town Rd.

**Authorized Activity:** This permit authorizes the following activities within the regulated NYS Freshwater Wetland DP-1, Class II, and its regulated 100-foot Adjacent Area (AA), in association with the development of a six lot residential subdivision:

1. The construction of a 14-foot-wide common driveway, serving two single-family residences outside of the regulated area, a portion of which will be located on an already disturbed, existing trail. The total area of disturbance to the wetland is proposed to be 2,280 sq. ft. and the proposed disturbance to the regulated AA is 20,100 sq. ft.
2. Installation of a 25-foot-long, 12-inch-diameter drainage pipe within the AA and the construction of two rain gardens for the control and treatment of stormwater runoff from the common drive within the AA.
3. The removal, restoration, and re-vegetation of approximately 460 feet of an existing gravel trail within the AA.
4. Installation of three gates across existing trails within the AA to limit access to portions of the property for open space preservation.
5. The creation of a 2,500 sq. ft. Wetland Mitigation Planting Area within the AA.

All work must be conducted in strict accordance with the plans referenced in Natural Resource Condition No. 1 of this permit.

**Permit Authorizations**

**Freshwater Wetlands - Under Article 24**

Permit ID 3-1326-00244/00001

New Permit	Effective Date: <u>2/19/2009</u>	Expiration Date: <u>12/31/2013</u>
Modification # 1	Effective Date: <u>2/28/2014</u>	Expiration Date: <u>12/31/2018</u>

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 3-1326-00244/00002

New Permit	Effective Date: <u>2/19/2009</u>	Expiration Date: <u>12/31/2013</u>
Modification # 1	Effective Date: <u>2/28/2014</u>	Expiration Date: <u>12/31/2018</u>



**NYSDEC Approval**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: JOHN W PETRONELLA, Deputy Regional Permit Administrator  
Address: NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561 -1620

Authorized Signature: \_\_\_\_\_

Date 2 / 28 / 2014

**Distribution List**

Joseph Zarecki, Zarecki and Associates, LLC  
Town of Dover Planning Board  
Heather Gierloff, DEC R3  
Lisa Masi, DEC R3  
Patrick Ferracane, DEC R3

**Permit Components**

- NATURAL RESOURCE PERMIT CONDITIONS
- WATER QUALITY CERTIFICATION SPECIFIC CONDITION
- GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS
- NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: FRESHWATER WETLANDS; WATER QUALITY CERTIFICATION**

- 1. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Zarecki & Associates, L.L.C., titled Meadow Brook Subdivision (8 sheets), and dated 10/29/2013 (sheets 3,4,5 last revised 1/24/2014).
- 2. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 3. Notify DEC 48 Hrs Prior to Work** The permittee or a representative must contact by telephone or email Heather Gierloff, Bureau of Habitat, at (845) 256-3086 or hsgierlo@gw.dec.state.ny.us, at least 48 hours prior to the commencement of the project authorized herein.



**4. Install Controls as Shown on Plans** Prior to commencement of the activities authorized herein, the permittee shall install securely anchored silt fencing and/or continuous staked straw bales as shown on the plans or drawings referenced in this permit.

**5. Maintain Erosion Controls** These erosion control devices shall be maintained until all disturbed land is fully vegetated to prevent any silt or sediment from entering the freshwater wetland or its adjacent area. Silt fencing, hay bales and any accumulated silt or sediment shall be completely removed for disposal at an appropriate upland site.

**6. Completion of Freshwater Wetland Mitigation Area Work** The freshwater wetland mitigation area work shall be completed prior to the commencement of any residential construction activities on the eastern most lots (lots 5 and 6).

**7. Storage of Materials** Excavated materials and or fill materials shall be stockpiled more than 100 feet landward of the wetland or water body and shall be contained by straw bales or silt fencing to prevent erosion.

**8. Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of on an approved upland site more than 100 feet from any regulated freshwater wetland. These materials shall be suitably stabilized so as not to re-enter any water body, wetland, or wetland adjacent area.

**9. Adjacent Area Survey Markers** The permittee must install permanent wetland adjacent area survey markers (at least two feet in height above existing ground elevation) at the locations shown on the approved plan(s), referenced in this permit. These markers must contain the following language:

STATE WETLAND ADJACENT AREA
SURVEY MARKER NOT TO BE REMOVED
CONTACT NYS DEC

A written certification signed and dated by the permittee that these markers have been installed in accordance with this condition must be submitted to the NYS Department of Environmental Conservation's Regional Permit Administrator prior to the expiration date of this permit.

**10. Survival Rate of Plantings** The permittee must ensure a minimum plant survival rate of 85% after one year from the completion of the plantings. If mortality exceeds fifteen percent, or bare areas occur, dead plants must be replaced.

**11. Final Planting Report** A final report documenting the work completed for the freshwater wetland mitigation area must be submitted to the DEC once the project is complete. This documentation shall include a narrative of the work completed including the wetland mitigation plantings as seen on the approved plans. Also, the report shall include a list of plant species planted and photographs that show the results of the completed freshwater wetland mitigation work. This report can be sent to:  
NYSDEC

Attn: Heather Gierloff, Bureau of Habitat  
21 South Putt Corners Road  
New Paltz, NY 12561



**12. No Mowing of Mitigation Area** The permittee shall ensure that no mowing of the mitigation area(s) shall occur.

**13. Deed Covenants for Subdivision Lots** For any of the lots in the subdivision for which this permit was issued that contain portions of New York State regulated Freshwater Wetland DP-1, Class II, and/or its regulated 100 foot adjacent area, the deed for each such property shall contain a notice as written below:

"This property contains New York State regulated freshwater wetlands and/or regulated 100 foot adjacent area. For as long as any portion of the property described in this deed is subject to regulation under Article 24 (the Freshwater Wetlands Act) of the Environmental Conservation Law (ECL) of the State of New York, there shall be no construction, grading, filling, excavating, clearing or other regulated activity as defined by Article 24 of the ECL on this property within the wetland area or 100 foot adjacent areas as shown on the Final Subdivision Plat at any time without having first secured the necessary permission and permit required pursuant to the above noted Article 24 from the NYS Department of Environmental Conservation (DEC). This restriction shall bind the Grantees, their successors and assigns and shall be expressly set forth in all subsequent deeds to this property."

By May 29, 2014, the permittee shall file with the real property records of the County Clerk's Office, the deed for each applicable lot containing this notice. The permittee shall within two weeks following the filing of the deed(s) submit proof of filing from the County Office showing the Liber and page number at which the deed notice was filed and the date of filing for one of the affected lots to

REGIONAL PERMIT ADMINISTRATOR  
NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH PUTT CORNERS ROAD  
NEW PALTZ, NY 12561-1620

to document compliance with this condition and include a written statement that all other affected lots have been similarly encumbered.

**14. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**15. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.



**16. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**17. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

### **WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS**

**1. Water Quality Certification** The NYS Department of Environmental Conservation hereby certifies that the subject project will not contravene effluent limitations or other limitations or standards under Sections 301, 302, 303, 306 and 307 of the Clean Water Act of 1977 (PL 95-217) provided that all of the conditions listed herein are met.

### **GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator  
NYSDEC REGION 3 HEADQUARTERS  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY12561 -1620

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Freshwater Wetlands, Water Quality Certification.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.



## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

**Item E: SEQR Unlisted Action, No Significant Impact** Under the State Environmental Quality Review Act (SEQR), the project associated with this permit is classified as an Unlisted Action with Dover Town Planning Board designated as the lead agency. It has been determined that the project will not have a significant effect on the environment.

# New York State Department of Environmental Conservation

## Division of Environmental Permits, Region 3

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

FAX: (845) 255-4659

Website: [www.dec.ny.gov](http://www.dec.ny.gov)



### IMPORTANT NOTICE TO ALL PERMITTEES

The permit you requested is enclosed. Please read it carefully and note the conditions that are included in it. The permit is valid for only that activity expressly authorized therein; work beyond the scope of the permit may be considered a violation of law and be subject to appropriate enforcement action. Granting of this permit does not relieve the permittee of the responsibility of obtaining any other permission, consent or approval from any other federal, state, or local government which may be required.

Please note the expiration date of the permit. Applications for permit renewal should be made well in advance of the expiration date (minimum of 30 days) and submitted to the Regional Permit Administrator at the above address. For SPDES, Solid Waste and Hazardous Waste Permits, renewals must be made at least 180 days prior to the expiration date.

- Applicable only if checked. Please note all work authorized under this permit is prohibited during trout spawning season commencing October 1 and ending April 30.

The DEC permit number & program ID number noted on page 1 under "Permit Authorization" of the permit are important and should be retained for your records. These numbers should be referenced on all correspondence related to the permit, and on any future applications for permits associated with this facility/project area.

If a permit notice sign is enclosed, you must post it at the work site with appropriate weather protection, as well as a copy of the permit per General Condition 1.

If the permit is associated with a project that will entail construction of new water pollution control facilities or modifications to existing facilities, plan approval for the system design will be required from the appropriate Department's regional Division of Water or delegated local Health Department, as specified in the State Pollutant Discharge Elimination System (SPDES) permit.

If you have any questions on the extent of work authorized or your obligations under the permit, please contact the staff person indicated below or the Division of Environmental Permits at the above address.

**Jonathan Stercho**

A handwritten signature in black ink, appearing to read "J. Stercho", written over a horizontal line.

Division of Environmental Permits, Region 3

Telephone (845) 256-3096

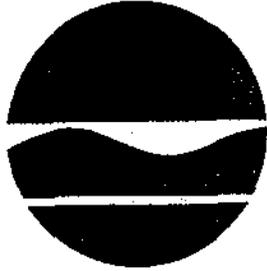
Applicable Only if Checked for **STORMWATER SPDES INFORMATION**: Your project is has been reviewed and has coverage under the General Stormwater SPDES Permit. However, you must update your current SWPPP and Notice of Intent documents to be concurrent with your modified plans.

Applicable Only if Checked **MS4 Areas**: This site is within an MS4 area (Municipal Separate Storm Sewer System), therefore the SWPPP must be reviewed and accepted by the municipality. The MS-4 Acceptance Form must be submitted in addition to the Notice of Intent.

Send the completed form(s) to: NYS DEC, Stormwater Permitting, Division of Water, 625 Broadway, Albany, New York 12233-3505

In addition, DEC requests that you provide one electronic copy of the approved SWPPP directly to Natalie Browne at NYS DEC, 100 Hillside Avenue - Suite 1W, White Plains, NY 10603-2860.

New York State  
Department of Environmental Conservation



# NOTICE



The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Department conditions on it, contact the DEC at 845/256-3054. Please refer to the permit number shown when contacting the DEC.

Permittee: MEADOW BROOK PROPERTIES, LLC Permit No. 3-1326-00244/00001,2

Effective Date: 2/28/2014 Expiration date: 12/31/2018

Applicable if checked. No instream work allowed between October 1 & April 30

NOTE: This notice is **NOT** a permit.