

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

Received 9/2/14
Dover Planning Board



Joe Martens
Commissioner

August 28, 2014

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

RE: SEQR Review: Beller Accessory Apartment
Project ID: 5327
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 July 30, 2014.

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 waterbody is located within or near the site you indicated:

Name	Class	DEC Water Index Number	Status
Subtrib. Of Ellis Pond	[C]	Conn 15-1-P1113-2-1	{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 within or near record(s) of the following state-listed species: **Indiana bat.**

Additional evaluation of the potential impacts of this project related to the sensitive resource(s) identified by this review may be required. For more information, please contact Lisa Masi of the Department's Bureau of Wildlife at 845-256-2257.

We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities at this project site. The absence of data does not necessarily mean that rare or state-listed species, natural communities or other 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. 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.

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

Protection of Waters Freshwater Wetlands State-Listed Species

ADDITIONAL COMMENTS

Cultural Resources

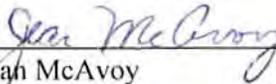
We have reviewed the statewide inventory of archaeological resources maintained by the New York State Museum and the New York State Office of Parks, Recreation, and Historic Preservation. These records indicate that the project is located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

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. Applications may be downloaded from our website at www.dec.ny.gov under "Programs" then "Division of Environmental Permits."

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: jean.mcavoy@dec.ny.gov

Encl: Response to Request Form

Ecc: Betty-Ann Sherer, Town of Dover Land Use Coordinator

NOTE: 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 (NYCDEP) East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYCDEP Watershed

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>. If this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.

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: Beller Accessory Apartment, Special Permit
Name of Applicant: Roy & Kathryn Beller, Property Owners

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

On behalf of N.Y.S. Dept. of Environmental Conserv. (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.

August 28, 2014
Date

Jean McAvoy
Signature

N.Y.S.D.E.C.
Agency Name

Jean McAvoy
Printed

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