

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 3

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

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January 10, 2011

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

**Re: SEQR LEAD AGENCY DESIGNATION
OAK HILL SUBDIVISION
TOWN OF DOVER, DUTCHESS COUNTY**

Dear Ms. Sherer:

This is in response to the Town of Dover Planning Board's notice dated December 9, 2010 requesting SEQR Lead Agency Status for above noted project. From the information provided, it is apparent that the project is an Unlisted action in which the Town of Dover Planning Board has chosen to coordinate the review of the potential environmental impacts. Pursuant to 6 NYCRR Part 617 SEQR, all reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions which are likely to be undertaken as a result thereof should be considered when determining the significance of this action (i.e. future development of the proposed parcels).

Based upon our review of the circulated documents, this office has identified the following environmental concerns in connection with subdividing 334 acres into six parcels ranging from forty-nine (49) acres to sixty-six (66) acres:

1. According to Department records, the following state-listed endangered species has been recorded within or near the project site: Timber Rattlesnake, *Crotalus horridus* (Linnaeus, 1758) and; Bog Turtle, *Glyptemys muhlenbergii* (Schoepff, 1801). The potential impacts of the proposed project on these species should be fully evaluated during the review of the project pursuant to SEQR.

The Department recommends that the Town of Dover Planning Board, serving as Lead Agency, require habitat assessment(s) to be conducted in order to ascertain the potential of these species to use the proposed parcels before making any determination of significance pursuant to SEQR, and before finalizing the proposed lot lines.

Please note that pursuant to Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species, a permit may be required from DEC for any proposal in which it is determined that a "take" of a threatened or endangered species will occur.

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2. If any future project causes the bed or banks (within 50 feet of the stream) of Swamp River [Index# Conn. 15-4, Class C(T)] to be physically disturbed (i.e. land clearing, filling, drainage pipe/ditch installation, etc.), a Protection of Waters Permit (Article 15, Title 5 of the Environmental Conservation Law) will be required from this Department.
3. Note that the United States Department of the Army, Corps of Engineers' New York District Office (COE) has authority under federal law to regulate wetlands in New York State. A COE permit may be required for this proposal. You should have the project sponsor contact the COE (telephone: 917/790-8411) as early as possible in the planning process to determine if the project will involve federally regulated wetlands. If Federal Wetlands are involved, the COE may require the project sponsor to obtain Water Quality Certification from this Department.
4. The Department has recently been involved in and required the assessment of the presence of vernal pools, and their habitat value for species state listed as "Special Concern", on properties proposed for development and being reviewed under the SEQR process. Thus, the presence of any such pools and their associated species and potential impacts due to the development should be determined before a Determination of Significance is made or included as part of a DEIS if required by the SEQR lead agency. Vernal pools are a type of small, temporary wetland found in the landscape that occur in isolated, shallow depressions that typically fill with water during the spring or fall. Because vernal pools are typically isolated, low in oxygen, and dry during the summer, they don't support fish populations and therefore provide high-quality 'nursery' habitat for developing eggs and larvae of salamanders and frogs. The management guidance set forth in "*Best Development Practices: Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States*" (Calhou and Klemens 2002) provide useful information to guide this assessment.
5. If project activities will involve land disturbance of over 1 acre, the project sponsor is required to obtain a State Pollutant Discharge Elimination System General Permit (GP-0-10-001) for Stormwater Discharge from Construction Activities. The site is not within an MS4 area and other DEC permits are required; therefore, the sponsor must provide two copies of the required Stormwater Pollution Prevention Plan (SWPPP) with their permit application for DEC review and approval. Other permits will not be issued until the SWPPP is approved. Authorization for coverage under the SPDES General Permit is not granted until the Department issues any other necessary DEC permits.

Please be aware that the increased emphasis on a holistic approach to resource protection, water quality treatment, flow volume control, maintenance cost reduction, and the dynamics of stormwater science has led to several changes in State regulations regarding stormwater management. The New York State 2010 Stormwater Management Design Manual provides a general overview on how to size, design, select, and locate stormwater management practices in order to comply with State stormwater performance standards. This manual is available at: <http://www.dec.ny.gov/chemical/29072.html>. This latest edition of the Design Manual is intended to address runoff reduction through the process of site planning to preserve natural features and reduce impervious surfaces by applying green infrastructure techniques.

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6. It appears that portions of Lot 1 and 2 may be within the 100-year floodplain, according to the Federal Emergency Management Agency's Map No. 3613350020A, and the Town should seriously consider whether development is reasonable in these areas. Certainly, appropriate floodproofing measures should be required of the project sponsor before approving development within the designated 100-year floodplain.

By copy of this letter we are advising project representatives of the potential need for these permits. It is possible that the New York State Department of Environmental Conservation permit requirements noted above may change based upon additional information received or as project modifications occur.

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board assuming lead agency status for this project. If you have any questions or comments about this letter, please contact me at (845) 256-3040.

Sincerely,



Joseph R. Murray
Environmental Analyst I
Division of Environmental Permits

cc: Charles Gerald Vincent

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TOWN OF DOVER, BUTCHESS COUNTY

It appears that portions of Lot 1 and 2 may be within the 100-year floodplain, according to the Federal Emergency Management Agency's Map No. 3613320020A, and the Town should seriously consider whether development is reasonable in these areas. Certainly, appropriate floodproofing measures should be required of the project sponsor before approving development within the designated 100-year floodplain.

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