

# **Appendix E**

## **State Agency Correspondence**



## NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3

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



**Department of  
Environmental  
Conservation**

July 22, 2021

### VIA EMAIL

Town of Mount Pleasant Planning Board  
Carolyn Saracino  
Administrative Assistant  
[csaracino@mtpleasantny.com](mailto:csaracino@mtpleasantny.com)

Re: Meadows at Briarcliff Subdivision  
Town of Mount Pleasant, Dutchess County  
DEC ID: 3-5534-00402/00001  
**SEQR Lead Agency Response**

Dear Town of Mount Pleasant Planning Board,

The Department of Environmental Conservation (DEC or Department) received your State Environmental Quality Review Act (SEQR) Lead Agency Coordination on July 8<sup>th</sup>, 2021. The proposal involves a subdivision of an approximately 37-acre residential lot located at 715 Sleepy Hollow Rd. into 31 residential lots ranging from 1-3.5 acres, along with associated site improvements. Also, as stated in the EAF there would be no disturbance within 300' of the lake. The Department has no objection to the Town of Mount Pleasant Planning Board serving as lead agency for this project. Based on our review of the submitted materials, including the EAF, Comprehensive Site Analysis, and associated site plans, we offer the following comments:

### **PROTECTION OF WATERS STREAM DISTURBANCE**

There are no waterbodies that appear on our regulatory maps at the location you identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, which appears to be Pocantico Lake (H-20-P30, Class A) and a Protection of Waters permit would be required to disturb its bed or banks. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit would not be required to disturb its bed or banks.

If a permit is not required, please note, however, you are 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.



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### **FRESHWATER WETLANDS**

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

### **WATER QUALITY CERTIFICATION**

The project site may or may not contain federally regulated wetland area. The United States Army Corps of Engineers (ACOE) may require a permit for work completed in or impacting a federal wetland. If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. A copy of the current blanket for the 2017 Nationwide Permits is available on the DEC website at:

[http://www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/wqcnwp2017.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/wqcnwp2017.pdf).

In 2020 the EPA implemented a new rule on the processing and issuance of Water Quality Certifications. Among the requirements are submission of a pre-filing meeting request 30-days prior to submission of the application and a number of additional specifications for the application materials themselves. Forms for pre-filing meeting request and a supplemental to the Joint Application for Water Quality Certifications are available online at <https://www.dec.ny.gov/permits/6222.html>.

You must submit the Water Quality Certification Pre-Filing Request Form at least 30 days before you plan to submit the application. When submitting, the application must include the Water Quality Certification Joint Application Supplement WQC-1 Form.

### **STATE-LISTED SPECIES**

DEC has reviewed the State's Natural Heritage record. No records of sensitive resources were identified by this review.

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

### **FEMA FLOODPLAIN**

The project site is located within a Federal Emergency Management Agency (FEMA) floodplain. The municipality will determine if any additional jurisdictions are applicable to the proposal.

July 22, 2021

### **STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)**

If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-20-001), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

### **CRITICAL ENVIRONMENTAL AREA (CEA)**

As identified in the submitted Environmental Assessment Form, the project site is located within a Critical Environmental Area ("Pocantico Lake & Watershed") designated by Westchester County. Potential impacts on the characteristics of the CEA are relevant areas of concern that warrant specific, articulated consideration in determining the significance of any Type I or Unlisted actions that may affect the CEA.

### **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.

The project sponsor should submit project materials to the New York State Historic Preservation Office's online Cultural Resource Information System (CRIS) to initiate the review process. 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. More information about DEC permits may be found at our website, [www.dec.ny.gov](http://www.dec.ny.gov), under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

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

Re: Meadows at Briarcliff  
Subdivision  
DEC ID: 3-5534-00402/00001

July 22, 2021

Sincerely,

Glennys Romero Medina  
Division of Environmental Permits  
Region 3, Telephone No. (845)256-2250  
[Glennys.RomeroMedina@dec.ny.gov](mailto:Glennys.RomeroMedina@dec.ny.gov)

ecc: Brian Zappi, VP, Zappico Real Estate Development, LLC





## Parks, Recreation, and Historic Preservation

KATHY HOCHUL  
Governor

ERIK KULLESEID  
Commissioner

January 28, 2022

Cece Saunders  
Historical Perspectives, Inc.  
P.O. Box 529  
Westport, CT 06881

Re: DEC  
Meadows at Briarcliff Subdivision  
715 Sleepy Hollow Road, Mount Pleasant, Westchester County, NY  
22PR00215

Dear Cece Saunders:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (5NYCRR Part 617).

We have reviewed the Phase I archaeological survey report (22SR00034) and no archaeological sites were identified. We have no concerns regarding the project's impacts to historic architectural resources. Therefore, it is OPRHP's opinion that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

If further correspondence is required regarding this project, please refer to the OPRHP Project Review (PR) number noted above. If you have any questions, please contact me via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Lloyd".

Tim Lloyd, Ph.D.  
Scientist - Archaeology  
timothy.lloyd@parks.ny.gov

via e-mail only



