

APPENDIX O

Correspondence with various agencies related
to ecological resources

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Correspondence with Agencies related to Ecological Resources

2014-08-11	NYSDEC from BW.pdf
2014-10-23	NYSDEC.pdf
2014-12-14	NYSDEC.pdf
2014-12-20	PC Planning.pdf
2015-01-26	PC Soil & Water.pdf
2016-02-03	NYSDEC Natural Heritage.pdf
2017-02-22	NYSDEC.pdf

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Memo

To: Daniel Whitehead, Regional Permit Administrator, NYSDEC Region 3
From: Glennon J. Watson, L.S.
CC: Ulises Liceaga, Anthony Sunga, John Delano
Date: 8/11/2014
Re: Hudson Highlands Reserve (HHR)

Dan,

As discussed when we spoke last week, our client Horton Road, LLC and its associated companies have assembled approximately 155+ acres in the Town of Philipstown. The largest of the assembled parcels includes the Lyons Soil Mine that we worked on with you until the owners withdrew their application to the Town of Philipstown and abandoned the project. Lyons Realty Company subsequently sold the property to our client. The remainder of this memo is intended to provide the information required prior to scheduling the pre-application meeting as outlined in your email message.

PROJECT LOCATION

The assembled parcels are located along Route 9 in the northern part of the Town of Philipstown, about 5 miles south of the intersection of Route 9 and I-84. It has frontage on East Mountain Road North and Horton Road, both Town Roads. The property is outlined on a portion of the West Point Quadrangle attached to this memo.

PROJECT NARRATIVE

The owners are architects and are planning to develop a Conservation Subdivision with an equestrian theme. They are planning approximately 29 lots and an equestrian center. Philipstown's Zoning Law provides for Conservation Subdivisions. Among the requirements for approval of a Conservation Subdivision is the requirement that 60% of the open space be preserved. A portion of the HHR property is located within an Open Space Overlay District in which the requirement increases to 80% of open space preservation. The local law provides for various lot sizes and that Conservation Easements on



3063 Route 9, Cold Spring, New York 10516 Phone: 845-265-9217 Fax: 845-265-4428 Website: www.badey-watson.com

privately held lots may be used to fulfill the open space requirement. The 29 lots presently being considered are based on preliminary calculations using the formula provided in the local zoning law.

The project will connect to East Mountain Road, Horton Road and Route 9. Because of the limited capacity of the Town Roads there is a need to connect directly to Route 9 to provide an adequate road for transporting the horses.

The roads in the subdivision are almost certainly going to be private. We expect that the lots will be served by individual drilled wells and a sewage collection system that carries waste to a common subsurface septic system. The form of ownership and management has not been finalized.

PRELIMINARY MAP

A Concept Plan prepared by the owner's group is attached.

PRE-APPLICATION FORM

The required pre-application form has been completed and is attached.

SPECIFIC ISSUES

We expect that there will be two significant issues of particular interest to the NYSDEC.

Proximity to Clove Creek. As the plan shows, there is very little frontage along Route 9 and it is immediately adjacent to Clove Creek. We expect that the related construction of the Route 9 entry will be a concern. We intend to utilize the same basic design solution for the entry to the project as we designed for the Lyons Soil Mine, which was acceptable to DEC at the time.

Timber Rattler Habitat. The property has been identified as a potential habitat for Timber Rattle Snakes. This was addressed to the DEC's satisfaction during the review of the Lyons Soil Mine application. However, the HHR project will move even closer to the habitat area. Knowing this will be a concern to DEC, the owner has commissioned further study of the matter. While we do not have the written report yet, we have had a verbal report that no evidence of the presence of Timber Rattle Snakes was uncovered.

PARTICIPANTS

We expect to have 4 participants attend the pre-application meeting: Ulises Liceaga; Anthony Sunga; John Delano, P.E.; and myself.

SCHEDULING

It would be most helpful if the meeting were coordinated by the person you assign and either Michele Wilcox [(845) 265-9217, Ext. 11, MWilcox@Badey-Watson.com] or Mary Ganswindt {Ext. 22, MGanswindt@Badey-Watson.com] of our office.

I trust you will find everything you require to schedule the meeting. If you do not, please let me know as soon as possible and I will provide it promptly. Thank you very much.



3063 Route 9, Cold Spring, New York 10516 Phone: 845-265-9217 Fax: 845-265-4428 Website: www.badey-watson.com

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



Joe Martens
Commissioner

October 23, 2014

Michele Wilcox
Badey & Watson Surveying and Engineering, P.C.
3063 Route 9
Cold Spring, NY 10516

Re: Proposed 28-lot residential subdivision, equestrian center, and community building on 155 ac
between US Rte. 9, Horton Rd., and East Mtn. Rd. North
Town/City: Philipstown. County: Putnam.

Dear Michele Wilcox :

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to 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.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

Andrea Chaloux
Environmental Review Specialist
New York Natural Heritage Program



**The following state-listed animals have been documented
at your project site, or in its vicinity.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing. The list may also include significant natural communities that can serve as habitat for Endangered or Threatened animals, and/or other rare animals and rare plants found at these habitats.

For information about potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.

The following species have been documented within 1 mi of the project site. Individual animals may travel 1 mi from documented locations.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Birds			
Bald Eagle <i>Nonbreeding</i>	<i>Haliaeetus leucocephalus</i>	Threatened	7810

The following species have been documented within 1.5 mi of the project site. Individual animals may travel 1.5 mi from documented locations.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Reptiles			
Timber Rattlesnake	<i>Crotalus horridus</i>	Threatened	2001

The following species have been documented within 5 mi of the project site. Individual animals may travel 5 mi from documented locations.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Mammals			
Northern Long-eared Bat <i>Hibernaculum</i>	<i>Myotis septentrionalis</i>	Unlisted	Candidate 14189

This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.



December 11, 2014

Town of Philipstown Planning Board
238 Main Street
P.O. Box 155
Cold Spring, New York 10516

**RE: Horton Road LLC Conservation Subdivision
SEQR Lead Agency Designation
Town of Philipstown, Putnam County
CH#: 5537**

Dear Mr. Merante:

The New York State Department of Environmental Conservation (DEC) has reviewed the Town Philipstown Planning Board's State Environmental Quality Review (SEQR) notice of intent to serve as lead agency for the above-referenced project, received November 20, 2014. According to the information provided, the applicant is proposing a 28-lot subdivision over four separate tax parcels equaling 155.4 acres. The subdivision development includes 28 residential buildings lots, through roads for access to the developed lots, and an equestrian center. Based upon our review of the provided information, we offer the following comments:

PROTECTION OF WATERS

Sections of the NYS protected stream Clove Creek [NYS Water Index #: H-95-5, Class C(TS)] are located along the western and southern portions of the parcels identified within the proposed plans. These plans show a horse trail crossing Clove Creek south of the pond located on the parcel. Also, in past discussions with the applicant, it is the DEC's understanding that an outfall conveying stormwater from the stormwater retention basin located adjacent to the proposed Isaly Road may impact the banks of Clove Creek near Albany Post Road. Therefore, please note that a Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from the stream) of the above identified "protected" stream.

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.

FRESHWATER WETLANDS

Based upon the Department review of the provided plans, the placement of Isaly Road is within the regulated 100-foot adjacent area of Freshwater Wetland WP-17, Class II. Also, sections of the proposed horse trails are located within the regulated areas of both Freshwater Wetlands WP-17 and WP-19 (Class II). Therefore, a Freshwater Wetlands Permit from the Department is required for the physical disturbance to the identified regulated areas.

The applicant should contact the United States Army Corps of Engineers in New York City, telephone (917) 790-8511 (Westchester/Rockland Counties), or (917) 790-8411 (other counties), 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: Timber rattlesnakes (*Crotalus horridus*).

A Timber rattlesnake habitat assessment was prepared for the project site and included in the provided information. This report is currently being evaluated by Department staff for impacts to this state-listed species. 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 the DEC for any proposal in which it is determined that a "take" of a threatened or endangered species will occur.

The proposed project area is also located in or near records of the species Northern long-eared bats (*Myotis septentrionalis*). Although this species is not listed on either the NYS endangered or threatened species list, please know that this species has been proposed to be listed as a federally endangered species, and protection of this species through NYSDEC's implementation of Article 11, Title 5, Section 535 of the Environmental Conservation Law, Threatened and Endangered Species may occur within the near future. Therefore, the applicant should contact this office for further discussion of reducing impacts to the bats and the impending regulations in association to the project. For further information, please contact Lisa Masi of Wildlife at (845) 256-2257.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)

The proposed project will include two separate community subsurface discharge systems to treat sanitary wastewater associated with the development of the subdivision. Based upon the review of the environmental assessment form, the total discharge identified for the project is 18,000 gallons per day of liquid waste. Please be aware that SPDES permit is required for a facility that has a total wastewater discharge to ground water that is 1,000 gallons or more per day of sewage-wastewater, any discharges to surface waters of the state, or any discharges containing industrial or other non-sewage wastes.

CULTURAL RESOURCES

During the DEC review of the proposed project, Department staff reviewed previous permit application files for the project location, specifically the Mined Land Reclamation (MLR) permit application submitted for the formerly proposed Lyons Ulmar Soil Mine. During the review of the previous MLR application, NYS Office of Parks, Recreation and Historic Preservation (OPRHP) staff identified the project site as an area of possible sensitivity to Revolutionary War Era archaeological resources and a Phase 1 Cultural Resource Survey was conducted. A letter of No Impact was provided by the OPRHP resultant from the Phase 1 study. However, the current project site is significantly larger than the previously proposed mining site. Therefore, please be aware that pursuant to Uniform Procedure Act, 6 NYCRR Part 621, requirements, a determination on whether any historic, architectural, archeological or cultural resources are present in the project area and if the project may have any impacts on such resources must be made by OPRHP prior to an application before the Department being considered a complete application and a decision on permit issuance rendered. The applicant may contact OPRHP for this determination.

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project.

By copy of this letter we are advising Horton Road LLC of the above referenced resources, concerns and potential DEC permits. It is possible that the DEC permit requirements may change based upon additional information received or as project modifications occur. If you have any additional comments or questions, please contact me at (845) 256-3096.

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

Sincerely,



Jonathan Stercho

Division of Environmental Permits
Region 3, Telephone No. 845/256-3096

CC: Glenn Watson, Badey & Watson Surveying & Engineering, PC (Project Contact)

Ecc: Lisa Masi, Region 3 DEC
Jonathan Russell, Region 3 DEC

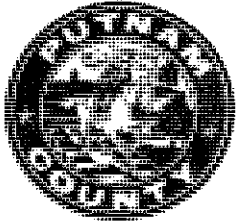
NOTE: Regarding erosion/sedimentation control requirements:

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 East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP 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.

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**Putnam County
Department of Planning, Development,
and Public Transportation**

www.putnamcountyny.com

841 Fair Street
Carmel, NY 10512

Phone: (845) 878-3480

Fax: (845) 808-1948

SECTION 239 CASE REFERRAL

Case Received: Report Required: Completed:

Application Name: Referral #:

TOWN: Carmel: Philipstown: VILLAGE: Brewster:
 Kent: Putnam Valley: Cold Spring:
 Patterson: Southeast: Nelsonville:

Referred by: PB: ZBA: Town Board: Historic District Review Board:

Location of Project:

Present Zone: Tax Map #:

Type of action: Variance: Zoning Ordinance: Master Plan:
 Subdivision: Special Use Permit: Subdivision Regulations:
 Site Plan: Rezoning: Certificate of Appropriateness:
 Zoning Amendment:

DECISION BY COUNTY:

Approved as Submitted: Modification: Disapproved:

Basis for Decision Other than Approval:

Reviewed by Barbara Barosa Barbara Barosa, Planner
 (Signature) (Title)



**Putnam County
Department of Planning, Development,
and Public Transportation**

www.putnamcountyny.com

**841 Fair Street
Carmel, NY 10512**

Phone: (845) 878-3480

Fax: (845) 808-1948

December 16, 2014

Ande Merante, Chairman
Town of Philipstown Planning Board
238 Main Street
P.O. Box 155
Cold Spring, NY 10516

RE: Horton Road LLC
28 Lot Conservation Subdivision- GML 239n Referral

Dear Mr. Merante,

I have reviewed the above application and have several questions on the application documents that were submitted. Before an approval for the GML 239n referral can be issued, the following information should be provided.

1. Details on the proposed equestrian center should be provided, including the number of stalls, riding rings, bridal paths, and waste disposal.
2. Details on the maintenance of common areas should be provided, including if a Homeowners Association will be established.
3. The sewer pipes from each of the lots to the common SSTs should be shown on the plot plan.
4. The well locations for each lot should be identified, and the legend should be corrected to remove the water service lines icon.
5. The WB icon (wetlands boundary) should be identified in the plot plan.
6. Lot 11 does not appear to be a usable lot with the house depicted partially in the wetlands boundary, and the entire rear of the residence in the wetlands boundary.
7. Several buildings on the plot plan are shown but not identified. In particular, those buildings adjoining the common SSTS area in the middle of the site, on Lot 10, on Lot 28 and adjoining the stormwater management area should be identified on the plot plan.
8. The proposed areas of disturbance should be delineated, including identifying the clearing of trees.

9. Lot 28 does not depict a residence and does not appear to be a usable lot. The plot plan should be revised to either show that it is a functioning lot, or remove it from the lot count.
10. The Planning Board may wish to consider requesting that Stirrup Road end in a cul de sac at Lot 12 instead of continuing through towards Horton Road. This would remove some of the proposed wetland boundary disturbance as well as eliminate unnecessary clearing and roads.
11. Likewise, the proposed road connection to Albany Post Road/ NYS Route 9 should be reconsidered. The other entrances would provide adequate connections to this subdivision. The clearing and grading necessary for this roadway are considerable, and with the road constructed to alternate road standards, it may not provide a safe and adequate connection to NYS Route 9. If the Board feels that they would prefer the main access from NYS Route 9 instead of Horton Road and East Mountain Road North, then the new roadway should be widened over what is shown to provide a safe and viable intersection.

Please feel free to contact me if you have any questions.

Sincerely,



Barbara Barosa, AICP
Planner

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Putnam County
Soil and Water Conservation District

841 Fair Street, Carmel, NY 10512

Phone: (845) 878-7918 Fax: (845) 878-6721

Email: lauri.taylor@putnamcountyny.gov Website: www.putnamcountyny.com

January 26, 2015

Glenn Watson, L.S.
Badey & Watson
Surveying & Engineering, P.C.
3063 Route 9
Cold Spring, NY 10516

Re: Hudson Highlands Reserve
Conservation Subdivision Proposal

Dear Mr. Watson,

I have reviewed the above proposal and have several comments/questions regarding the proposed plan.

1. The Route 9 entrance should be removed and use the entrance off of East Mountain Road North. The Route 9 entrance would be going through a wetland buffer and the way the road is proposed is right on the property line and I'm not sure how the stormwater would be handled on such a steep slope.
2. House location on Lot #3 should be moved in order to allow for a deck or patio on the back of the house. Currently the house footprint is against the woodland buffer.
3. Who will enforce the rules of the HOA?
4. The proposed Mane Road is up against the existing house in lot #28. Either the road needs to be moved or the house needs to be purchased and removed.
5. What are the two buildings in the wetland buffer near Horton Road?
6. How many horse stalls are going to be in the barn?
7. There should be at least a 25 foot buffer between the horse trail and lake shoreline.
8. The horse trail loop down by Horton Road should be removed in order to stay out of the wetland buffer.
9. Will the HOA be maintaining the horse trails?
10. How do you plan to cross the wetland/stream with the horse trail on the southeast side of the lake?

These are just my preliminary comments/questions regarding the maps that were provided. Please feel free to contact me if you have any questions regarding my comments.

Sincerely,

A handwritten signature in cursive script that reads "Lauri Taylor".

Lauri Taylor
District Manager

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, 5th Floor, Albany, New York 12233-4757
Phone: (518) 402-8935 • **Fax:** (518) 402-8925
Website: www.dec.ny.gov



February 3, 2016

Stephen M. Gross
Hudson Highlands Environmental Consulting
71 Colonial Avenue
Warwick, NY 10990

Re: Hudson Highland Reserve conservation subdivision
Town/City: Philipstown. County: Putnam.

Dear Stephen M. Gross:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to the above project.

Enclosed is a report of rare or state-listed animals and plants, and significant natural communities that our database indicates occur, or may occur, on your site or in the immediate vicinity of your site.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our database. We cannot provide a definitive statement as to 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.

Our database is continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at www.dec.ny.gov/about/39381.html.

Sincerely,

A handwritten signature in black ink that reads "Nick Conrad".

Nicholas Conrad
Information Resources Coordinator
New York Natural Heritage Program



**The following state-listed animals have been documented
in the vicinity of your project site.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing.

For information about any permit considerations for your project, please contact the Permits staff at the NYSDEC Region 3 Office at dep.r3@dec.ny.gov, (845) 256-3054. For information about potential impacts of your project on these species, and how to avoid, minimize, or mitigate any impacts, contact the Region 3 Wildlife staff at Wildlife.R3@dec.ny.gov, (845) 256-3098.

The following species have been documented within 1 mile of the project site. Individual animals may travel 1.5 miles from documented locations.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Reptiles			
Timber Rattlesnake	<i>Crotalus horridus</i>	Threatened	6120

**The following species have been documented within 4 miles of the project site. Individual animals may travel 5 miles from documented locations.
The main impact of concern for bats is removal or cutting of potential roost trees.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
Mammals			
Northern Long-eared Bat <i>Hibernaculum</i>	<i>Myotis septentrionalis</i>	Threatened	Threatened 14189

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org, and from NYSDEC at www.dec.ny.gov/animals/7494.html.



The following significant natural community has been documented in the vicinity of your project site.

We recommend that potential onsite and offsite impacts of the proposed project on these communities be addressed as part of any environmental assessment or review conducted as part of the planning, permitting and approval process, such as reviews conducted under SEQR. Final requirements of the project to avoid, minimize, or mitigate potential impacts are determined by the lead permitting agency or the government body approving the project.

The following significant natural communities are considered significant from a statewide perspective by the NY Natural Heritage Program. They are either occurrences of a community type that is rare in the state, or a high quality example of a more common community type. By meeting specific, documented criteria, the NY Natural Heritage Program considers these community occurrences to have high ecological and conservation value.

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>HERITAGE CONSERVATION STATUS</i>
Upland/Terrestrial Communities			
Appalachian Oak-Hickory Forest			High Quality Occurrence
Covering Round Hill and East Mountain, and extending to .25 mile southeast of subject property: This is a large, relatively undisturbed forest with good species diversity and less than 1% non-native plant species and good to fair structure. The community is located in a large forested landscape, intersected by several main roads and trails throughout.			8506

This report only includes records from the NY Natural Heritage database. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. 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.

Information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage’s Conservation Guides at www.guides.nynhp.org. For descriptions of all community types, go to www.dec.ny.gov/animals/97703.html for Ecological Communities of New York State.

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NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



Department of Environmental Conservation

February 22, 2017

Anthony Merante
Chairman
238 Main St
Cold Spring, NY 10516

SEQR REVIEW: Horton Road, LLC Conservation Subdivision
Town of Philipstown, Putnam County

CH ID:6869

Dear Mr. Merante:

The New York State Department of Environmental Conservation (DEC) has reviewed the Notice of Intent to Serve as SEQR Lead Agency from the Town of Philipstown Planning Board. According to the information provided, the proposed project includes a 29-lot subdivision, an equestrian center, and a conservation easement.

Based upon our review of your inquiry received January 23, 2017, we offer the following comments:

PROTECTION OF WATERS

The following stream(s)/pond(s)/waterbody(ies) is(are) located within or near the site you indicated:

Name	Class	DEC Water Index Number	Status
<input checked="" type="checkbox"/> Clove Creek	C(TS)	H-95-5	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".

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.

FRESHWATER WETLANDS

Your project/site is near or in Freshwater Wetland WP-17, WP-19, Class 2 (both). Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. To have the boundary delineated, please contact Kelly McKean at 845-256-3087. The concerns include the depicted road access from US-9 and any modification to the pond's dam.



FEB 22 2017
[Signature]

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that...

- the site is located within or near record(s) of the following state-listed species:
Name Status

Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened
Timber Rattlesnake (<i>Crotalus horridus</i>)	Threatened

- To limit direct impacts to Northern Long-eared bats (NLEB), tree cutting shall only occur in the applicable Time of Year (TOY) window. In this case the TOY window is November 1st to March 31st. For more information on NLEB, visit...
<http://www.dec.ny.gov/animals/106090.html>
or Google "DEC NLEB"

- DEC does not anticipate impacts to the Timber rattlesnake since new information provided by the applicant corroborates previous studies that Timber rattlesnake is not present on the site east of US RTE 9. For more information, please contact Lisa Masi of Wildlife at (845) 256-2257.

Please note a project sponsor may not commence site preparation, including tree clearing, until the provisions of SEQR are complied with and all necessary permits issued for the proposed project.

The absence of data does not necessarily mean that other 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. 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

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 not 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/>.

RE: Horton Road Subdivision

Date: 2/22/2017

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)

A SPDES permit is required for any facility whose treatment system has a design flow of total discharges to ground water of more than 1,000 gallons per day of sewage-wastewater. At this time, the Department does not have sufficient information to determine if the proposed discharge of sanitary waste water will be eligible for coverage under the SPDES General Permit (GP-0-15-001) or require an individual permit. For more information contact the Division of Water or visit...

<http://www.dec.ny.gov/permits/6287.html>

and look for GP-0-15-001 or Google "dec spdes app forms"

OTHER

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

- Protection of Waters
- State-listed Species
- Freshwater Wetlands
- SPDES

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, click on the top bar icon labeled "Regulatory" then "Permits and Licenses."

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project.

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

Sincerely, *Michael Grosso*

Mike Grosso
Division of Environmental Permits
Region 3, Telephone No. (845) 256-3165

Information/Permit Materials/Regulations/Map (_____ Quadrangle) attached.

Cc: Kelly McKean, Bureau of Habitat
Lisa Masi, Bureau of Wildlife
Glennon J. Watson, Badey & Watson, P.C.

Enc: _____

NOTE: Regarding erosion/sedimentation control requirements:

Stormwater discharges require a State Pollutant Discharge Elimination System (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

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>.

For construction permits, 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.