

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3

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**Department of
Environmental
Conservation**

February 5, 2021

Town of Wappinger Planning Dept
20 Middlebush Rd
Wappingers Falls, NY 12590

RE: SEQR LEAD AGENCY DESIGNATION
Hudson Valley Lighting
Town of Wappinger, Dutchess County

3-1356-00107/00005

This is in response to your notice dated January 27, 2021 on behalf of the Town of Wappinger Planning Department requesting SEQR Lead Agency Status for the above noted project. From the information provided, it is apparent that the project is a Type 1 action in which the Town of Wappinger Planning Department has coordinated the review of the potential environmental impacts.

Based upon our review of the circulated documents, this office has identified the following environmental concerns:

PROTECTION OF WATERS

The following waterbody is located within or near the site you indicated:

Name	Class	DEC Water Index Number	Status
Subtributary to Wappinger Creek	B	H-101-4-4	Protected

A Protection of Waters permit is required to physically disturb the bed or banks of any streams identified above as "protected." The stream does not appear to be directly impacted by the project at this time.

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.



-OVER PLEASE-

FRESHWATER WETLANDS

Your project/site is near or in Freshwater Wetland PV-67, Class 2. The project is currently undergoing review for an Article 24 Freshwater Wetland Permit.

STATE-LISTED SPECIES

According to Department records, the following state-listed species have been recorded within or near the project site: Indiana bat (NYS Endangered). The potential impacts of the proposed project on this species should be fully evaluated during the review of the project pursuant to SEQR.

To avoid impacts to Indiana bats and the need for an Incidental Take Permit pursuant to 6 NYCRR Part 182, the Department recommends that all tree removal take place from October 1st to March 31st. This timing restriction shall be documented in the notes of any plans regarding this project. The project is also undergoing review to determine if the future lighting is expected to have any adverse impact on Indiana bats.

The absence of other species data does not necessarily mean that additional 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.

SPDES STORMWATER (CONSTRUCTION)

Since project activities will disturb over 1 acre of land, the project sponsor must obtain coverage under the current SPDES General Permit (GP-0-20-001) for Stormwater Discharge from Construction Activities, and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. As the Town of Wappinger is an MS4 community (Municipal Separate Storm Sewer System), the Town is responsible for review and acceptance of the SWPPP. [The MS-4 Acceptance Form must be submitted to the Department.] Authorization for coverage under the SPDES General Permit is not granted until the Department issues any other necessary DEC permits.

SPDES WASTEWATER

In accordance with the New York State Environmental Conservation Law, a State Pollutant Discharge Elimination System (SPDES) Permit is required for a facility whose treated wastewater discharge to groundwater is greater than 1000 gallons per day, and for all discharges to surface water. The facility is currently attempting to obtain coverage under the SPDES General Permit GP-0-15-001.

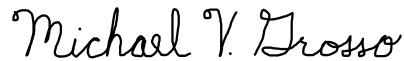
CULTURAL RESOURCES

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/>.

In addition to transmitting the above comments, this letter also serves to convey that we have no objection to the Town of Wappinger Planning Department assuming lead agency status for this project. As such, it will be the responsibility of the Town of Wappinger Planning Department to determine the significance of the action (i.e. positive/negative declaration).

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

Sincerely,

A handwritten signature in black ink that reads "Michael V. Grosso". The signature is written in a cursive, flowing style.

Michael Grosso
Division of Environmental Permits
Region 3, Telephone No. 845/256-3165