

Eric S. Rogge, P.E.

From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>
Sent: Friday, May 5, 2023 10:14 AM
To: Eric S. Rogge, P.E.; Michael A. Bodendorf, P.E.
Cc: Masi, Lisa M (DEC)
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Eric,

Thank you for making these revisions. If these plans are followed, no adverse impacts to Blanding's turtles or Indiana bats would be likely, and an incidental take permit would not be needed. If project plans change, additional DEC Wildlife review will be required.

Let me know if you have any questions.

Sincerely,
Sue

Sue Booth-Binczik

(she/her)

Wildlife Biologist, Region 3

New York State Department of Environmental Conservation

21 South Putt Corners Road, New Paltz, NY 12561

845-256-3827

susan.booth-binczik@dec.ny.gov



From: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>
Sent: Monday, May 1, 2023 12:14 PM
To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Sue,

I added in the additional turnaround but kept the turnaround back by the access road just to be safe. Attached are the revised plans and turtle brochure. Let me know if we've handled everything and we will be returning to the Planning Board for a final review.

Thanks,
Eric



Eric S. Rogge, P.E.

Hudson Land Design

Professional Engineering, P.C.

174 Main Street, Beacon, NY 12508

13 Chambers Street, Newburgh, NY 12550

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From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>

Sent: Monday, May 1, 2023 11:24 AM

To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>

Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Thanks, Eric. The access road is for a powerline right-of-way, right, so presumably it's rarely used and vehicles on it would be moving very slowly? A public paved road like Pine Ridge Drive would be much more of a concern, so I think there should be two turn-arounds by Pine Ridge Drive.

Sue

From: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>

Sent: Monday, May 1, 2023 11:04 AM

To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>

Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Sue,
There are 2 turnarounds shown for the beginning section of the lot 4 driveway. The first turnaround is up by Pine Ridge Road, but the second one is back against the utility access road. It didn't seem to make sense to put the second one up by Pine Ridge Road since it would just direct the turtles right onto the utility access road. The existing utility access road is labeled in blue on the attached PDF. A can add in a turnaround if you want, I was worried about having turtles directed back towards the access road. Let me know what you think.

Thanks,
Eric



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From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>

Sent: Friday, April 28, 2023 12:58 PM

To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>; Michael A. Bodendorf, P.E.

<mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>

Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Hi Eric,

With respect to the turn-arounds, it looks like you only put one where the barrier around the lot 4 driveway meets Pine Ridge Drive. There should be one on both corners where the fence meets the road. Or am I misunderstanding the drawing somehow?

With respect to note 5d, please change it to say "If the turtle does not move along on its own, contact the licensed monitor retained for the project to have the turtle safely relocated."

Thanks,
Sue

From: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>

Sent: Wednesday, April 26, 2023 1:23 PM

To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>; Michael A. Bodendorf, P.E.

<mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>

Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Sue,

No worries, we've been working through the health department review in the meantime.

I forgot to show the gates for Lot 1 and the short section of the lot 4 driveway, they are shown now. I also added the turtle turnarounds to the that short section of the lot 4 driveway. It is a weird configuration, but I think I have them shown in the best spots.

Note 5d was revised. I think it reads now how you intend.

The revised plans are attached, only Sheet 5 has been revised. Let me know if you have any further comments.

Thanks,
Eric



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From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>

Sent: Monday, April 24, 2023 12:44 PM

To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>

Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Hi Eric,

I sincerely apologize for the delayed response; I'm afraid I kind of lost track of this project.

I just have a couple of comments on the revised plans:

I don't see any gates indicated on sheet 5 to allow equipment to get inside the turtle barrier on lot 1 or the small section of driveway on lot 4, and I don't see any turn-arounds indicated where the barrier for that small section of driveway on lot 4 meets the road. Unless I'm misinterpreting the drawings, those missing components should be added.

Also, Blanding's turtle note 5.d. should be changed to say to contact the licensed monitor retained for the project.

Thanks,
Sue

From: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>

Sent: Thursday, March 2, 2023 3:53 PM

To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>

Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Sue,

Attached are revised subdivision plans and the turtle brochure. Below is a summary of the changes:

1. The protection and encounter notes on sheet 5 were revised as noted in your email.
2. Added vehicle gates and turtle turn-arounds to sheet 5 along with the relevant details.
3. Updated the turtle brochure, removed references to other projects.

Please review and let me know if we addressed all of your comments.

Thanks,
Eric



Eric S. Rogge, P.E.

Hudson Land Design

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13 Chambers Street, Newburgh, NY 12550

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From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>

Sent: Monday, February 27, 2023 11:37 AM

To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>

Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Eric,
The monitors would need to be licensed through DEC's Special Licenses office to handle Blanding's turtles, and they would need to have experience with the species to obtain a license. Most people acquire that experience through previous work and/or education, but there isn't any specific training we require. I think all you would need to specify at this point is that monitors must be licensed by DEC, and that should allow the flexibility you're looking for.
Sue

From: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>

Sent: Monday, February 27, 2023 11:18 AM

To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Sue,
I have the plans just about ready to send back to you, but I need to determine who can be a turtle monitor during construction. The way construction of this subdivision project may work is that each lot may sold to a different developer and each developer would need to follow our subdivision plan and turtle protection measures. Each developer would most likely want to hire something for this role that they are familiar with. I'd like to give the developer options for this turtle monitor role and specify what certifications or licensing are required for a turtle monitor. What requirements does the DEC have for a turtle monitor and are there specific certifications or training for this role?

Thanks,
Eric



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From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>
Sent: Tuesday, February 21, 2023 9:15 AM
To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

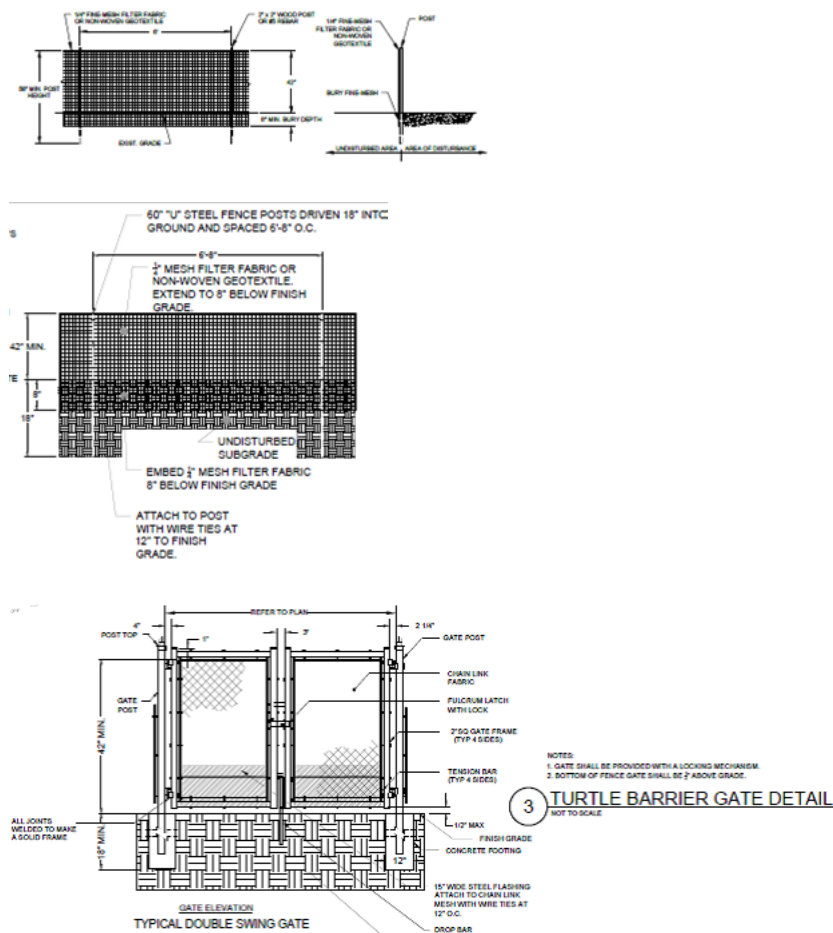
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Hi Eric,
Below are a couple of examples of barrier and gate detail drawings. Some approaches that other projects have taken to make sure that turtles can't get under the gate are to attach some sort of sweep to the bottom or to put sandbags along the bottom of the gate when it's closed.

If barriers meet roads, there should also be curved turn-arounds at the corners where the fence meets the road, so turtles that might be walking along the fenceline would be turned back away from the road rather than directed into

it. The turn-arounds should have a radius of at least a few feet so the turn isn't too sharp and the turtles can navigate it easily.

I hope this is helpful,
Sue



From: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>
Sent: Monday, February 20, 2023 11:51 AM
To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Sue,
I have the plans just about done and ready to send over except for one thing. I'm having trouble finding a temporary gate to be used with the temporary barrier during construction. I was only able to find specs for a permanent gate from one of your letters for the Cornell Farm project. The gate shown is for permanent installation not temporary during construction. I did a little internet research at some other states and found the attached document on the Wisconsin website. They recommend turn-arounds at the end of the fence near site access points. Since all our proposed gates are up against the public roads, could we do something like this?

Thanks,
Eric



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From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>

Sent: Wednesday, February 1, 2023 4:00 PM

To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>

Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Hi Eric,

I see that you added a lot more to the site plans than I requested. I guess I didn't realize originally that the current proposal included building the houses as well as subdividing the property. If the houses will all be built based on these plans and there won't be future site plans submitted for building approval, then the first note I requested wouldn't be needed. However, the notes on this plan would require some modification to cover everything that is needed.

Items that should be changed or added:

- The educational brochure that was attached refers to a specific project (Cornell Farm in the Town of LaGrange), so it would need modification to be appropriate for this project.
- The brochure and the site plan notes mention storm drain grates. Are storm drains proposed as part of this project? If not, those statements should either be removed or they should be worded as recommendations, similar to the other trap hazard protection notes, rather than commitments.
- The site plan notes state that for work during the active season, there will be both a licensed monitor on site and a turtle barrier enclosing the work areas. From our perspective, either of those measures would be sufficient; it's not necessary to implement both simultaneously. We will, however, strive to ensure that all of the measures committed to in the approved plans are followed during construction, so I want to check with you before the plans are finalized and make sure that what is stated matches the intent of the project sponsor.
- The turtle barrier as depicted on the drawing doesn't completely enclose all of the work areas. There is a portion of the driveway on lot 4 that is not shown with a barrier, and the ends of the driveways on the other lots aren't enclosed. Gates should be incorporated to allow access for construction, and a detail drawing of the gates should be provided.
- Blanding's turtle note 4 contradicts note 3 and should be removed (or note 3 should be edited).
- Note 5 mentions that residents, presumably referring to future homebuyers, will be trained by the turtle monitor. If that isn't really what is intended, that statement should be removed. Similarly, please clarify what is meant by "maintenance personnel" in that note or remove that wording as well.

- The encounter procedures in note 6 should be worded as statements of what will be done, not as recommendations.
- Note 6i. should be removed.
- Note 6g. should be changed to say that if a turtle is found within a turtle exclusion barrier, work will not resume until the Blanding's turtle monitor has moved the turtle to safety, inspected the barrier for any deficiencies that allowed the turtle to enter, supervised any necessary repair of the barrier, and inspected the area inside the barrier for any additional turtles.
- There should also be notes about daily inspection of the barriers and logs documenting daily inspections and Blanding's education and encounter training, as in the attached document.

Let me know if you have any questions.

Thanks,
Sue

From: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>
Sent: Friday, January 13, 2023 4:30 PM
To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Sue,
 Attached are revised plans for the Kimmel Subdivision. I have added the requested notes, temporary turtle fencing (in red) around the construction areas on each lot, and a construction detail for the temporary turtle barrier fence to Sheet 5 of the plan set. Also attached is a pamphlet about the blanding's turtles that we have used on other projects. As requested, notes have been added stating that plans will be submitted to your office prior to any site work. Please let me know if the proposed measures are sufficient and if you need any hard copies of the attached.

Thanks,
Eric



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 13 Chambers Street, Newburgh, NY 12550
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From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>
Sent: Thursday, January 5, 2023 4:23 PM
To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>

Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Hi Eric,
No, Blanding's will move through forested areas too, so the utility ROW isn't an area of particular concern.
Sue

From: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>
Sent: Thursday, January 5, 2023 10:53 AM
To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Sue,
I will put together a revised plan with the requested info. Are there any particular areas of the site where we should provide turtle avoidance measures? Three of the lots are located up high, away from the cleared utility easement. If turtles are expected along the cleared utility easement I can separate that area from the lot construction using runs of fence along easement lines.

Thanks,
Eric



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From: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>
Sent: Wednesday, January 4, 2023 9:06 AM
To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Cc: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Subject: RE: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Hello Eric and Mike,

I looked over the submitted materials concerning a proposed 5-lot subdivision of a 13.6-acre property located at 325 Pine Ridge Drive in Wappinger. As indicated on the EAF, this project site is in an area occupied by Blanding's turtle and Indiana bat. Proposed projects at the site therefore need DEC Bureau of Wildlife review for potential impacts to these species and a determination on whether an incidental take permit is needed, pursuant to section 11-0535 of the Environmental Conservation Law.

The EAF indicates that there are no wetlands or waterbodies on the property, and none are shown in our GIS database. Soil mapping indicates that the soils on site are not suitable for turtle nesting. No impacts to turtle habitat would be expected from residential development on the site, but there could be impacts to individual turtles that may be moving through the site if project-related activities take place during the turtles' active season, April 15 – October 15. Take-avoidance measures such as a temporary species barrier, a DEC-licensed construction monitor, and an education and encounter plan may be needed to prevent such impacts.

The EAF indicates that approximately 2.9 acres of forest are proposed to be removed. The closest documented Indiana bat roost location is approximately 1.5 miles from the project site. To avoid impacts to bats that may be roosting at the site during the summer, all tree removal should take place between October 1 and March 31.

To ensure that adequate take-avoidance measures will be implemented, the subdivision plans should include notes along the lines of:

- Prior to tree removal, construction, or other work involving ground disturbance or movement of large machinery on any of the lots, project plans will be submitted to the DEC Region 3 Wildlife office for review, incorporation of threatened and endangered species protection measures, and determination on the need for an incidental take permit.
- All tree removal will take place between October 1 and March 31.

For a jurisdictional determination on the subdivision plan, please submit a revised site plan incorporating notes such as the above. If adequate measures are not in place to avoid impacts to the listed species, an incidental take permit would be required.

Let me know if you have any questions.

Sincerely,
Sue

Sue Booth-Binczik

(she/her)

Wildlife Biologist, Region 3

New York State Department of Environmental Conservation

21 South Putt Corners Road, New Paltz, NY 12561

845-256-3827

susan.booth-binczik@dec.ny.gov



Department of
Environmental
Conservation



From: dec.sm.Wildlife.R3 <Wildlife.R3@dec.ny.gov>
Sent: Tuesday, January 3, 2023 3:28 PM
To: Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>
Subject: Fw: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

From: Petronella, John W (DEC) <john.petronella@dec.ny.gov>
Sent: Tuesday, December 6, 2022 1:45 PM
To: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>
Cc: dec.sm.Wildlife.R3 <Wildlife.R3@dec.ny.gov>; BODENDORF, MIKE <mbodendorf@hudsonlanddesign.com>
Subject: FW: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

Good afternoon Eric,

Per our discussion, I am forwarding the materials you submitted for our Wildlife staff for review. Based upon my review of the SEQR LA coordination and Full EAF, permits did not respond as we likely have no permit jurisdiction and also would have no objection to the Town serving as Lead Agency.

However, due to the hits for Blandings Turtle and Indiana bat as noted on the EAF, I am circulating to wildlife so that they can review and provide you with any input that may be needed to avoid potential impacts to either species.

Wildlife staff – please review and provide any comments directly to Eric.

Regards,

John

John W. Petronella
Regional Permit Administrator, Division of Environmental Permits
New York State Department of Environmental Conservation
21 South Putt Corners Rd, New Paltz, NY 12561
P: (845) 256-3041 | F: (845) 256-4659 | john.petronella@dec.ny.gov

From: Bissinger, Jennett A (DEC) <Jennett.Bissinger@dec.ny.gov>
Sent: Tuesday, December 6, 2022 1:39 PM
To: Petronella, John W (DEC) <john.petronella@dec.ny.gov>
Subject: FW: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

From: dec.sm.DEP.R3
Sent: Wednesday, June 1, 2022 6:23 AM
To: Bissinger, Jennett A (DEC) <Jennett.Bissinger@dec.ny.gov>
Subject: FW: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

3-1356-00332

Assignment?

From: Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Sent: Tuesday, May 31, 2022 3:57 PM
To: dec.sm.DEP.R3 <DEP.R3@dec.ny.gov>
Cc: Eric S. Rogge, P.E. <erogge@hudsonlanddesign.com>
Subject: FW: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Hello,
Per the email below from Jennett Bissinger, please find a digital copy of our submittal to the Town of Wappingers.
Please let me know if you need any additional information.



Michael A. Bodendorf, P.E.

Principal

Hudson Land Design

Professional Engineering, P.C.

174 Main Street

Beacon, NY 12508 (Main Office and Mailing Address)

13 Chambers Street

Newburgh, NY 12550 (Satellite Office)

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Please consider the environment before printing this email and attachments

From: Bissinger, Jennett A (DEC) <Jennett.Bissinger@dec.ny.gov>
Sent: Monday, May 23, 2022 8:36 AM
To: kimmelbuilders@icloud.com; Michael A. Bodendorf, P.E. <mbodendorf@hudsonlanddesign.com>
Cc: dec.sm.DEP.R3 <DEP.R3@dec.ny.gov>
Subject: Kimmel Subdivision - 325 Pine Ridge Dr, Wappinger

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Good morning.

NYS DEC Region 3 New Paltz office has received SEQR documentation regarding Kimmel Subdivision located at 325 Pine Ridge Dr in Wappingers – to assist in the review process, can you please forward this request via email to DEP.R3@dec.ny.gov.

Thank You

Jennett (Jenn) Bissinger
Program Aide
NYS DEC - Region 3
Environmental Permits
845-256-3168