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Architecture & Planning

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November 25, 2025

Town of Wappinger Planning Board
20 Middlebush Road
Wappingers Falls, NY 12590

Re: Hughsonville Fire District
Lead Agency Designation

Dear Chairman Flower & Planning Board Members,

In advance of our attendance at the December 1, 2025 Planning Board meeting to discuss the Hughsonville Fire District proposed new firehouse project, we submit the following for your consideration and response:

1. The Hughsonville Fire District Board of Fire Commissioners will be putting forth a resolution for a required public referendum vote to the taxpayers of the fire district to approve the funding necessary to proceed with the project. If the bond vote is not successful, the project as planned cannot move forward.
2. It is required that prior to proceeding with a bond resolution, the SEQR review process must be completed.
3. The Fire District, which is a special municipal district in the State of New York who is responsible for undertaking this project, is within its authority to act as Lead Agency. This has been established by president by the Commissioner of the New York State Department of Environmental Conservation. We have attached a recent ruling from the Thiells/Roseville Fire District v. Town of Haverstraw (October 30, 2023) confirming the standing of fire districts within townships as related to lead agency designations. The determination also includes by reference, the ruling in favor of other fire districts supporting this designation (Nanuet v. Amster, 1988; Tallman Fire District v. Armont, 2016; Beekman Fire District v. Town of Beekman, 2017; Pine Island Fire District v. Warwick, 2017).

In consideration of the above, we are requesting that the Town of Wappinger Planning Board rescind its objection to the Hughsonville Fire District acting as Lead Agency for this action so that it can proceed with the required bond vote of the taxpayers of the district authorization the district to fund and proceed with the project based on the following:

- The Hughsonville Fire District Board of Fire Commissioners can request a determination from the Commissioner of the New York State Department of Environmental Conservation in support of its role as Lead Agency.
- This step will add time and delay to the fire districts proceeding with the bond vote and will result in additional costs to the taxpayers including legal services and added inflation associated with the delay.
- The documents included with the SEQR referral clearly indicate that additional reviews will be included as part of the permit and review process that is required for construction of the project. This determination is only the first step in what will be a thorough process leading to issuance of all permits that are required.

We look forward to discussing this with your board at the meeting scheduled for December 1, 2025. We will be in attendance to answer any questions you may have at that time.

Very Truly Yours,



Jeffrey M. Sendlewski, RA
Associate Architect

New York State Department of Environmental Conservation Commissioner's Determination of Lead Agency Under Article 8 of the Environmental Conservation Law

Project

Proposal by the Thiells Roseville Fire District to purchase five parcels of land totaling 4.8-acres financed by a proposed bond referendum and construct a new firehouse on the purchased land. The project site is located along Route 202 in the unincorporated Town of Haverstraw, Rockland County.

Disputing Agencies

The Thiells Roseville Fire District (Fire District) and the Town of Haverstraw Planning Board (Planning Board).

I have been asked to designate a lead agency to conduct an environmental review under the New York State Environmental Quality Review Act (SEQRA; Article 8 of the New York State Environmental Conservation Law [ECL], with implementing regulations at Part 617 of Title 6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York (6 NYCRR Part 617)) for the financing and construction of a fire station (action). This designation of the Thiells Roseville Fire District to serve as lead agency for the action is based on my finding that the Fire District has the broadest governmental powers for investigation of the impacts of the action.

Action and Site

Specifically, the action consists of Fire District's purchase of 4.8 acres of land containing frontage along NY Route 202, demolition of existing buildings on the purchased property, site improvements, and construction of the new 22,000-square foot fire station (Firehouse) and its supporting infrastructure, as well as the issuance of indebtedness to finance the purchase of the land and construction of the Firehouse. The property to be purchased (property) consists of five adjoining lots, three of which contain residential buildings and two of which are vacant. Following the demolition of the buildings, the Fire District expects to undertake site improvements for drainage, water, wastewater, and electric and gas utilities. The Firehouse will be constructed north of the existing firehouse, which is situated about one-quarter mile away, also along NY Route 202. The Fire District will sell the existing station following completion of the Firehouse. The Fire District expects to design the Firehouse in a manner that will reduce the traffic impacts associated with the existing firehouse.

Regulatory Setting

The Fire District and the Planning Board have authority to make one or more discretionary decisions concerning the Project, as follows:

The Fire District is the project sponsor and asserts its statutory authority under Town Law section 170, which provides the Fire District with the authority to purchase property and authorize the issuance of bonds to do so.

The Planning Board states that the property is located within the unincorporated Town of Haverstraw and is thus subject to the Town's zoning regulations. In this connection, the Planning Board points out that the Fire Station is not a permitted use on some of the parcels, and as to other parcels, falls under the "Route 202 Floating Overlay Zone District," which would require legislative action by the Town Board to apply the Zone to the parcels. Relevant to the Planning Board's jurisdiction, the Planning Board states that the action may require site plan and special use permit approval, provided it becomes a permitted use under the R-15 zoning district. The remaining parcels would, according to the Planning Board, require additional Town Board action and ultimately fall under the purview of the Planning Board for approval. The Planning Board also states that the action may require a use variance.

In response, the Fire District asserts its possible immunity from the Town's zoning law based upon the application of the "balancing of the public interest" test described in the Matter of County of Monroe, 72 N.Y.2d 338 (1988).¹ Whether the Fire District is immune from the Town's zoning laws is a question beyond the scope of my authority under the Environmental Conservation Law. As I have done in past lead agency determinations, I will presume that both parties possess the jurisdiction they allege.² The Fire District has, in any event, pledged to work with the town to address any project-related concerns.³

Although other potentially involved agencies were identified by the parties (e.g., the Town Board), the Fire District and Planning Board are the only agencies involved in the dispute.

Discussion

In resolving a lead agency dispute under 6 NYCRR 617.6(b)(5)(v), I am guided by the three criteria listed in order of importance as follows:

Whether the anticipated impacts of the action being considered are primarily of statewide, regional or local significance (i.e., if such impacts are of primarily local significance, all other considerations being equal, the local agency involved will be lead agency); which agency has the broadest governmental powers for investigation of the impacts of the proposed action; and which agency has the greatest capability for providing the most thorough environmental assessment of the proposed action.

My designation of a lead agency must be based on applying these criteria to the facts of each individual case.

First Criterion

The Fire District and Planning Board identified potential impacts to include construction-related effects such as noise, visual concerns, dust, and stormwater runoff, and operational impacts to include an increase in impervious surface cover, change in traffic patterns on Route 202, and noise. The environmental assessment form for the project indicates the presence of a waterbody regulated by a federal, state, or local agency on or

adjacent to the site, and the presence of an aquifer under, on, or near the site. The environmental assessment form also indicates that the project site adjoins High Tor State Park, and that seven additional officially designated and publicly accessible federal, state, or local scenic or aesthetic resources are located within five miles of the project site. The New York State Office of Parks, Recreation & Historic Preservation, and the Palisades Interstate Park Commission are concerned about the potential visual impact the project may have on High Tor State Park.

Notwithstanding the regional concerns of this project, the Planning Board and Fire District are both local agencies. These potential regional impacts therefore do not weigh in favor of either party. Thus, the first criterion favors neither party.

Second Criterion

The second criterion favors the Fire District. As project sponsor, the Fire District is best equipped to investigate the impacts of the project through its role as designer, its control over financing, and its authority over the site selection, construction, and administration of the project from its inception through its completion. It has the greatest ability to amend its plans to avoid or reduce the project's impacts through its authority over the project. The Planning Board, while empowered to investigate potential environmental impacts by approving site plan and special use permits, does not possess the same oversight ability as the Fire District in this matter. This analysis is consistent with my determinations in both *Tallman Fire District v. Village of Airmont Planning Board* (September 13, 2016) and *Beekman Fire District v. Town of Beekman Planning Board* (June 27, 2017).⁴

The Planning Board argues that my analysis should be reliant on which agency will make or require changes to the project, as opposed to which agency is best equipped to investigate the impacts of the project and to amend its plans as necessary. This argument assumes that the Fire District will only be guided by its desire to construct the new facility and will not take environmental considerations into account in designing it.

In cases where the project sponsor is also the lead agency, the public may legitimately fear that the project sponsor/lead agency would not be able to objectively review its own project. SEQRA has its own built-in checks and balances, however, namely requirements for public disclosure and the willingness of the courts to scrutinize an agency's compliance with SEQRA. See, generally, Gerard, Ruzow, and Weinberg. *Environmental Impact Review in New York*, § 3.03[[1] at pp. 3.39-3.40 (LexisNexis 2023).

Additionally, the possible motivation of the disputing agencies is not relevant to resolution of lead agency disputes.⁵

Third Criterion

The third criterion favors neither party. The Planning Board cites to its members' years of experience in both land use and SEQRA, referencing prior SEQRA matters in which it has been involved. The Fire District states that it is in consultation with engineers, architects, and

legal counsel, all of whom are versed in the environmental review process and site plan, construction, and other related issues. While it is true that the Planning Board, as a body, does have more experience than the Fire District in conducting SEQR reviews, I do not find a significant difference between the capabilities of the Fire District and the Planning Board under the facts of this case. Both the Fire District, in consultation with its experts, and the Planning Board can conduct a thorough environmental assessment. As I state below, I expect the Fire District to also be guided by the input of the Planning Board and agencies such as the Palisades Interstate Park Commission and the New York State Office of Parks, Recreation & Historic Preservation that have provided comments on the project. The third criterion, therefore, favors neither party.

Finding

I conclude that the Thiells Roseville Fire District should be designated as lead agency for the SEQR review associated with construction of a new firehouse based on the second criterion. The Fire District's broad range of powers, as the project sponsor, to oversee and investigate any environmental concerns and to fund, design, and construct the new firehouse allow the Fire District the level of control required for a lead agency. My determination is in keeping with the statutory direction under ECL Section 8-0111.6 that "[w]hen an action is to be carried out or approved by two or more agencies, the determination of whether the action may have a significant effect on the environment shall be made by the lead agency having principal responsibility for carrying out or approving such action..." Here, the Thiells Roseville Fire District has the principal responsibility for carrying out the action.

This designation does not change or diminish the responsibilities or authority of the Planning Board or other involved agencies with jurisdiction over the project, notwithstanding any claims by the Fire District of governmental immunity from the Town's zoning law. While designating the Fire District as lead agency, I must remind it to remain aware of any potential impacts already identified by the Planning Board during this lead agency dispute, or which may be identified during the environmental review. As previously stated in a similar lead agency dispute, I expect that the environmental review will be more than a 'needs analysis' concerning the provision of fire protection but will also reflect consideration and analysis of issues and concerns raised during the lead agency coordination process."⁶ In making its determination of significance under SEQR, I I conclude that the Thiells Roseville Fire District should be designated as lead agency for the SEQR review associated with construction of a new firehouse based on the second criterion. The Fire District's broad range of powers, as the project sponsor, to oversee and investigate any environmental concerns and to fund, design, and construct the new firehouse allow the Fire District the level of control required for a lead agency. My determination is in keeping with the statutory direction under ECL Section 8-0111.6 that "[w]hen an action is to be carried out or approved by two or more agencies, the determination of whether the action may have a significant effect on the environment shall be made by the lead agency having principal responsibility for carrying out or approving

such action... " Here, the Thiells Roseville Fire District has the principal responsibility for carrying out the action.

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Basil Seggos, Commissioner
Dated: October 30, 2023
Albany, New York

Distribution of Copies

Disputing Agencies/Applicant:

Lisa M. Rickmers, AICP and Amy Mele, Esq., Emanuel Law PC, representing Thiells Roseville Fire District

Christie Tomm, Addona, Sliverberg Zalantis LLC, representing Town of Haverstraw Planning Board

New York State Department of Environmental Conservation:

Tracey O'Malley, DEC Region 3 (e-copy) Rebecca Crist, DEC, Region 3 (e-copy)

Lawrence H. Weintraub, Office of General Counsel, Central Office (e-copy) Bailey Andree, Office of General Counsel, Central Office (e-copy)

Filings

Request for DEC Determination of Lead Agency, Amy Mele, Esq. of Emanuel Law, PC, representing Thiells Roseville Fire District (July 31, 2023).

Thie/l's Roseville Fire District Request for Lead Agency Determination, Christie Tomm Addona of Silverberg Zalantis LLC, representing Town of Haverstraw (July 31, 2023):

Comments on the Town of Haverstraw's Request for DEC Determination of Lead Agency Pursuant to 6 NYCRR 617.6(b)(5), Lisa M. Rickmers of H2M architects+ engineers, Consultants to the Thiells Roseville Fire District (Aug. 9, 2023).

Thie/l's Roseville Fire District Follow-up Submission on Request for Lead Agency Determination, Christie Tomm Addona of Silverberg Zalantis LLC, representing Town of Haverstraw (Aug. 23, 2023).

1 See *Nanuet Fire Engine Co. No. 1 v. Amster*, 177 Misc.2d 296 (Sup. Ct. Rockland Co. 1998).

2 See, e.g., *Commissioner's Lead Agency Determination in Pine Island Fire District v. Town of Warwick Planning Board*, March 6, 2015, published on the Department's website at <https://dec.ny.gov/regulatory/permits-licenses/seqr/commissioner-decisions-on-lead-agency-disputes/by-date>; *Commissioner's Lead Agency Determination in Beekman Fire District v. Town of Beekman Planning Board*, June 27, 2017, published on the Department's website at

Commissioner's Lead Agency Determination in Beekman Fire District v. Town of Beekman Planning Board, June 27, 2017, published on the Department's website at <https://dec.ny.gov/regulatory/permits-licenses/seqr/commissioner-decisions-on-lead-agency-disputes/construction/beekman-fire-district-vs-town-of-beekman-planning-board>.

3 Comments dated August 9, 2023, from Lisa M. Rickmers, consultant to the Thiells Roseville Fire District, to the Commissioner, page 2.

4 DEC publishes the Commissioner's lead agency determinations on its website.

5 See, e.g., *Commissioner's Lead Agency Decision in Town Board of the Town of North Greenbush v. City of Rensselaer*, September 25, 2008, and *Commissioner's Lead Agency Decision in Town of Queensbury v. City of Glens Falls*, April 14, 1997.

6 See *Tallman Fire District v. Village of Airmont Planning Board*, September 13, 2016, published on the Department's website at <https://dec.ny.gov/regulatory/permits-licenses/seqr/commissioner-decisions-on-lead-agency-disputes/construction/lead-agency-dispute-tallman-fire-district-vs-village-of-airmont-planning-board>, for further information on a review beyond a "needs analysis."

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