

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
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Department of
Environmental
Conservation

September 27, 2023

VIA EMAIL

Village of Chester Planning Board
Sandra Vanriper
Secretary
planning@villageofchesterny.com

Re: SUMMERVILLE INDUSTRIAL PARK
Town of Chester, Orange County
DEC ID: 3-3322-00214/00001
SEQR Lead Agency Response

Dear Village of Chester Planning Board,

The Department of Environmental Conservation (DEC or Department) received your State Environmental Quality Review Act (SEQR) Lead Agency Coordination on May 10th, 2023. The proposal involves the development of an approximately 781,000 square-foot building for warehouse and office use along with associated site improvements. The project site is located at 3921 & 3923 Summerville Way in Chester. The Department has no objection to the Village of Chester Planning Board serving as lead agency for this project. Based on our review of the submitted materials, including the EAF and associated site plans, we offer the following comments:

PROTECTION OF WATERS STREAM DISTURBANCE

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

<u>Name</u>	<u>Class</u>	<u>DEC Water Index Number</u>	<u>Status</u>
Unnamed ponds	C	P 312e	Non-protected

A permit is not required to disturb the bed or banks of "non-protected" streams.

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 WR-8, (Class III). Mapped boundaries are approximate and a delineation and validation by DEC staff is required to determine the final boundary. 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 submit the attached wetland delineation request form to Mike Fraatz of the Bureau of Ecosystem Health at (845)256-3057 or Michael.fraatz@dec.ny.gov.



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WATER QUALITY CERTIFICATION

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for the discharge to fill in Waters of the U.S., then a Section 401 Water Quality Certification (WQC) 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 a DEC Blanket WQC. Coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit. For more information and to view the DEC Blanket WQCs, please visit <https://www.dec.ny.gov/permits/6546.html>. A determination on Corps jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination.

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
<u>Northern Long-eared Bat (<i>Myotis septentrionalis</i>)</u>	<u>Endangered</u>
<u>Bog Turtle (<i>Glyptemys mühlenbergii</i>)</u>	<u>Engangered</u>

A permit is required for the incidental taking of any species listed as "endangered" or "threatened", which can include removal of habitat.

Northern Long-eared Bat

The project is located within 5 miles of a Northern Long-eared Bat hibernation site. No known roosts trees have been identified within 150ft of the project and the project is over .25 miles from the closest hibernation site. Tree removal associated with this project must occur within the appropriate time of the year work window, November 1 through March 31, to avoid take and direct impacts to Northern-long eared bat. This species is also federally listed, so the US Fish and Wildlife Service should be contacted as well.

Bog Turtle

The project location is within the screening distance of a known bog turtle record. Impacts to the species and potential suitable habitat should be assessed following the attached Bog Turtle Conservation Zones guidance document (<https://www.fws.gov/media/bog-turtle-conservation-zones-2001>). Additional information is also needed to determine if any suitable habitat for this species is on or within 300 feet of the proposed project. All known wetlands located on the site, or in proximity but offsite, must be identified on an aerial photo or map of site. If any wetlands will be impacted directly or indirectly by this project, they will need to assess for bog turtle habitat using the Bog Turtle Survey guidelines for Phase I Habitat Surveys (<https://www.fws.gov/media/bog-turtle-survey-guidelines>). In addition, any indirect impacts to area wetlands will need to be assessed, including wastewater, stormwater, water supply, and other possible impacts to hydrology or water quality. This review would be consistent with the Bog Turtle Conservation Zones guidance document (<https://www.fws.gov/media/bog-turtle-conservation-zones-2001>). This species is also federally listed, so the US Fish and Wildlife Service should be contacted as well.

If project related impacts cannot be fully avoided or minimized, an Incidental Taking permit pursuant to Article 11, Title 5, Endangered and Threatened Species may be required.

In order for the Department to make a Determination on take and the need for Article 11 Part 182 permitting, please respond to this letter with additional project information, including any updated project plans, species-specific surveys, impact assessments, and proposed take avoidance measures. Proposed avoidance measures should be included on project plans as plan notes.

If you have any questions, please contact the Wildlife office at Wildlife.r3@dec.ny.gov.

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 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.

Additional information on Endangered and Threatened species permitting on our website:

Endangered and Threatened Animal Species Incidental Take Permits -
<https://www.dec.ny.gov/animals/124787.html>.

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.

WATER WITHDRAWAL

According to the EAF, the proposed project site will generate a demand for water of Approximately 7,300 GPD, which will be served by the existing Village of Chester Water System. Since the project requires the expansion of an existing district, please note that a permit modification would be required if the Village of Chester Water System has an existing Water Withdrawal permit from the Department. Additional Department approval may be required to ensure that the site is covered under an existing Water Withdrawal permit and does not exceed the authorized maximum taking of water into the existing water district or service area. A water withdrawal permit is required to extend supply or distribution mains of a public water supply system into any new water service area or extension thereof such that the water withdrawal system remains or becomes one with a capacity equal to or greater than the threshold volume (100,000 gallons per day based on capacity of installed pumps, not demand). For more information, please visit the DEC website at <https://www.dec.ny.gov/lands/55509.html>. For any technical questions regarding water withdrawal, please contact the DEC Division of Water at (914) 428-2505 or dow.r3@dec.ny.gov.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER

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.

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.

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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, 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.

Sincerely,

Glennys
A. Romero Medina
Medina

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by Glennys A.
Romero Medina
Date: 2023.09.27
14:29:25 -04'00'

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

Enclosure: Wetland Delineation Request Form

ecc: Mike Fraatz, NYSDEC Bureau of Ecosystem Health
Lisa Masi, NYSDEC Bureau of Wildlife
NYSDEC Division of Water
Trodale Developers Inc., Applicant
Dabid Zigler, Atzl, Nasher, & Zigler, Project Contact