

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3

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[www.dec.ny.gov](http://www.dec.ny.gov)



**Department of  
Environmental  
Conservation**

March 14, 2024

J Group Design  
Attn: Curt Johnson

**RE: Pawling Commons  
SEQR Lead Agency – Follow-up  
Village of Pawling, Dutchess County  
DEC ID#: 3-1340-00163/00003**

Dear Curt Johnson:

The NYS Department of Environmental Conservation (DEC or Department) has received the Notice of Intent to Serve as SEQR Lead Agency from the Village of Pawling Planning Board for the redevelopment at 63 Main Street. The project includes the demolition of an existing building, construction of a new mixed-use building, construction of a new multi-family residential building, expansion of the parking area, and improvements to stormwater management. The project is proposing to connect to existing water and sewer utilities. A SEQR response letter was sent dated December 22, 2023.

Based upon our review of the notice dated November 20, 2023, and subsequent information received January 17, 2024, we offer the following comments:

## **STATE-LISTED SPECIES**

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near known occurrences of the following state-listed species: Bog turtle, NYS-listed endangered.

Based on the information received in the response to the SEQR letter dated December 22, 2023: if steps are taken to avoid impacts to water quality and wetland habitat offsite by using appropriate sediment and erosion control measures, as well as stormwater management actions, then the project is not likely to impact Bog turtle.

The absence of data does not necessarily mean that rare or other 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.



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-OVER PLEASE -

Please note the following is the same information as provide in the letter dated December 22, 2023:

### **PROTECTION OF WATERS**

There are no waterbodies that appear on our regulatory maps at the project site identified. Therefore, if there is a stream or pond outlet present at the site with year-round flow, it assumes the classification of the watercourse into which it feeds, East Branch Croton River, Class C(T), and a Protection of Waters permit is required. If there is a stream or pond outlet present at the site that runs intermittently (seasonally), it is not protected, and a Protection of Waters permit is not required.

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**

The project site is not within a New York State protected Freshwater Wetland. However, please contact your town officials and 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.

### **WATER QUALITY CERTIFICATION**

If the US Army Corps of Engineers (USACE) requires a permit pursuant to Section 404 of the Clean Water Act for discharge of fill in waters of the US, then a Section 401 Water Quality Certification (WQC) will be required. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC, and coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit. For additional information, please see the following link: <https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/protection-of-waters-program#Water Quality Certification>.

### **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/>.

### **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 the requirements of the General Permit. As the Village of Pawling is an MS4 community (Municipal Separate Storm Sewer System), the Town is responsible for review and acceptance of the SWPPP. Please be aware that the MS4 Acceptance Form must be submitted to the Department.

Date: March 14, 2024

Authorization for coverage under the SPDES General Permit is not granted until the Department issues any other necessary DEC permits.

**OTHER**

Please note that this letter only addresses the requirements for the following permits from the Department: Protection of Waters, State-listed Species, and Freshwater Wetlands. 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](http://www.dec.ny.gov) under “Programs” then “Division of Environmental Permits.”

In addition to transmitting the above comments, this letter also serves to confirm that we have no objection to the Village of Pawling Planning Board assuming lead agency status for this project.

By copy of this letter we are advising KJ Realty 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.

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

Sincerely,



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Katherine Coffin  
Division of Environmental Permits  
Region 3, Telephone No. (845) 256-3158

Cc: KJ Rant Realty LLC  
Vivian Nikolatos, Village of Pawling Planning Board  
Wildlife, R3 DEC

**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.