

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
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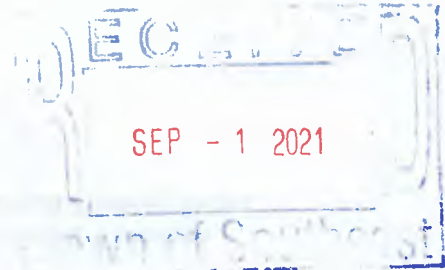


**Department of
Environmental
Conservation**

September 1, 2021

VIA EMAIL

Thomas LaPerch, Chairman
Town of Southeast Planning Board
planning@southeast-ny.gov



Re: Brewster Yards – Proswing Sports Realty Inc.
Town of Southeast, Putnam County
DEC ID: 3-3730-00406/00001
SEQR Response

Dear Mr. LaPerch,

The Department of Environmental Conservation (DEC or Department) received the Town of Southeast Planning Board’s State Environmental Quality Review Act (SEQR) Lead Agency Coordination for the above-referenced project on August 26, 2021. The proposal involves construction of a recreation complex including ten synthetic turf fields, indoor recreation building, parking, and other fenced/lighted playfields located on the currently undeveloped parcels at 160 and 132 Pugsley Road. The Department has no objection to the Town of Southeast Planning Board serving as lead agency for this project. Based on our review of the submitted Full Environmental Assessment Form (EAF) and the civil drawings for the proposal located on the Planning Board’s website, we offer the following comments:

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) WASTEWATER

The EAF indicates that the project would utilize newly proposed septic systems for wastewater disposal, with flow of 1,800 gpd on weekdays and 12,880 gpd on weekends (“equalized flow...of 5,000 gpd”). Please note, sewage effluent discharges of 1,000 gallons per day or greater to groundwater are regulated under Article 17 of the Environmental Conservation Law and may require a permit. For more information and instructions on how to apply for this permit, please visit the DEC website at <http://www.dec.ny.gov/permits/6054.html>.

SPDES STORMWATER

As the overall project will disturb over 5,000 square feet or more of land within the NYC DEP East of Hudson Watershed, 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.



As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

FRESHWATER WETLANDS

Freshwater Wetland LC-28 (Class II) is located on portions of the site. As noted on the plans, DEC staff conducted a site visit and validated the wetland boundary. A Freshwater Wetlands permit from DEC is required for any physical disturbance within these boundaries or within the 100-foot adjacent area.

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>
Trib and subtribs of Middle Branch Reservoir	C	H-31-P44-23-P59-6-P62-1 and tribs	Non-protected

A Protection of Waters permit is not required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified above as “non-protected.”

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.

WATER QUALITY CERTIFICATION

The site may contain federally regulated wetlands. If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act, then a Section 401 Water Quality Certification 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 DEC’s Blanket Water Quality Certification. Coverage under the blanket requires compliance with all conditions in the blanket for the corresponding Nationwide Permit. A copy of the current blanket for the 2017 Nationwide Permits is available on the DEC website at: http://www.dec.ny.gov/docs/permits_ei_operations_pdf/wqcnwp2017.pdf.

In 2020 the EPA implemented a new rule on the processing and issuance of Water Quality Certifications. Among the requirements are submission of a pre-filing meeting request 30-days prior to submission of the application and a number of additional specifications for the application materials themselves. Forms for pre-filing meeting request and a supplemental to the Joint Application for Water Quality Certifications are available online at <https://www.dec.ny.gov/permits/6222.html>.

You must submit the Water Quality Certification Pre-Filing Request Form at least 30 days before you plan to submit the application. When submitting, the application must include the Water Quality Certification Joint Application Supplement WQC-1 Form.

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>Threatened</u>

A permit is required for the incidental taking of any species listed as “endangered” or “threatened”, which can include removal of habitat. Tree removal associated with this project should occur within the appropriate time of the year work window, November 1 through March 31, to avoid a “take” and direct impacts to Northern-long eared bats. If tree clearing cannot be completed within the acceptable time of year restriction, further review will be required.

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.

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NYCDEP)

The project site is located within the NYCDEP watershed. Please contact NYCDEP directly about any jurisdiction they may have.

WATER WITHDRAWAL

The EAF indicates the daily water demand for the proposed project (12,880 gpd on weekends) however the capacity of pumps to be installed is “TBD”. Please note, any water withdrawal system with the capacity to withdraw (i.e., not demand) 100,000 gallons per day or more of water requires a Water Withdrawal permit from the Department. For more information, please visit <https://www.dec.ny.gov/lands/55509.html>.

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.

If any DEC permits are required, a determination of impact from the State Historic Preservation Office (SHPO) will be required. For more information, please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

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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 me at christopher.lang@dec.ny.gov 845-256-3096 if you have questions regarding the above information. Thank you.

Sincerely,

**Chris
Lang**
Chris Lang
Division of Environmental Permits

Digitally signed by
Chris Lang
Date: 2021.09.01
11:59:10 -04'00'

ecc: Sarah Pawliczak, DEC Bureau of Ecosystem Health
Proswing Sports Realty, Inc.
Brian Orzel, US Army Corps of Engineers
Maria Tupper-Goebel, NYCDEP