



November 18, 2024

John M. Watson, PE
Insite Engineering, Surveying & Landscape Architecture, P.C.
3 Garrett Place
Carmel, NY 10512

Via email: JWatson@insite-eng.com

Rohit T. Aggarwala
Commissioner

Re: EE Brewster - SWPPP
1534 & 1550 Route 22; (T) Southeast, NY
Tax Map ID #s: 46.-2-45.1 & 45.2
Bog Book & East Branch Reservoir Basins
DEP Log # 2022-MUL-0466-SP.1

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

Dear Mr. Watson:

This letter is to inform you that your application to engage in the above referenced regulated activity pursuant to the “Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and its Sources” (Watershed Regulations) was approved on **November 18, 2024**.

The New York City Department of Environmental Protection (DEP) reserves the right to modify, suspend, or revoke this approval based on the grounds set forth in Section 18-26 of the Watershed Regulations. The activity proposed in your applications applies only to the terms of this approval and is subject to the regulations cited above. Failure to comply with the conditions of the approval may be the cause for suspension of this approval and initiation of an enforcement action. Should modification, suspension or revocation of an approval be necessary, DEP will notify the regulated party, via certified mail or personal service, prior to modifying, suspending or revoking the approval. The notice will state the alleged facts or conduct which appear to warrant the intended action and explain the procedures to be followed.

The Regulations provide that an applicant may appeal the imposition of a substantial condition in an approval by filing a petition, in writing, with DEP and the New York City Office of Administrative Trials and Hearings (“OATH”) within thirty days of the date this determination was mailed.

A pre-construction meeting must be held at least two days prior to the start of work so that DEP staff may inspect and monitor the erosion control practices at the project site during construction. The owner, design professional, general contractor and DEP personnel must attend the meeting.

465 Columbus Avenue
Valhalla, NY 10595
T: (845) 340-7800
F: (845) 334-7175

Please contact Melissa Ng at (914) 749-5441 or mng@dep.nyc.gov to schedule the preconstruction meeting. If you have any questions, I may be reached at (914) 749-5301 or mgiannetta@dep.nyc.gov.

Sincerely,

Matthew Giannetta

Matthew Giannetta, CPSWQ
Chief
Regulatory & Engineering Programs Division

- c: Sam Mermelstein, EE Brewster, LLC (owner/applicant) – smermelstein@enclaveequities.com
Town of Southeast Planning – Planning@Southeast-ny.gov
Danny Shedlo, P.E. (DEP)
Matthew Giannetta, CPSWQ (DEP)

STORMWATER POLLUTION PREVENTION PLAN DETERMINATION

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New York City Department of Environmental Protection

STORMWATER POLLUTION PREVENTION PLAN DETERMINATION

Pursuant to the authority granted under:

Article 11 of the New York State Public Health Law;
Rules and Regulations For The Protection From Contamination, Degradation and Pollution
Of The New York City Water Supply and Its Sources, 15 RCNY Chapter 18, 10 NYCRR
Part 128.

New York City Department of Environmental Protection (DEP) makes the following determination with respect to the stormwater pollution prevention plan (SWPPP) described below:

Name of Project: EE Brewster – SWPPP

Location: 1534 & 1550 NYS Route 22
(T) Southeast, NY 10509
Tax Map ID #s: 46.-2-45.1 & 46.-2-45.2

Owner: EE Brewster, LLC

Address: 2 Manhattanville Road, Suite 403
Purchase, NY 10577

Drainage Basin: Bog Brook and East Branch Drainage Reservoir

General Description: The EE Brewster project includes redevelopment of existing impervious surfaces and creation of new impervious surfaces for the construction of two (2) Senior Affordable Housing buildings and two (2) Self-Storage buildings. DEP’s review and approval is required by Sections 18-39(b)(4)(i), (iii) & (iv) of the “Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources” (Watershed Regulations). Approximately 17.7 acres of disturbance and 3.6 acres of new impervious surface is proposed. Runoff reduction, stormwater management and treatment for the senior housing will be provided by two practices in series: a dry swale and micro-pool extended detention pond. Runoff reduction, stormwater management and treatment for the self-storage buildings will be provided by an infiltration basin. Runoff from the portion of driveway constructed in the area of existing impervious surface will be captured and treated using the green infrastructure technique of sheetflow to a filter strip. The Stormwater Pollution Prevention Plan (SWPPP) shall be implemented in accordance with the report and drawings prepared by Insite Engineering, Surveying, & Landscape Architecture, P.C. listed in Appendix A.

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Date(s) of site inspection: 7/20/2022 & 9/16/2022

(XX) Approved () Denied

Conditions of Approval:

This approval is granted with the following conditions:

- The regulated activity must be conducted in compliance with the plans as approved, listed in Appendix A, all applicable accepted standards, and all applicable laws, rules and regulations.
- Any alteration or modification of the SWPPP must be approved by DEP prior to implementation; DEP may opt to issue an amended SWPPP Determination.
- The applicant must schedule a pre-construction conference prior to the start of construction. Present at the meeting should be the applicant, the design engineer, the general contractor, and DEP staff.
- The applicant must notify DEP at least forty-eight (48) hours prior to the commencement of construction activity so that compliance inspections may be scheduled by DEP.
- All erosion and sediment controls must be properly installed and maintained until the site has been stabilized and the risk of erosion eliminated. Final stabilization is defined in the General Permit as all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 80% cover for the area has been established or equivalent stabilization measures (such as the use of mulches or geotextiles) have been employed.
- At the completion of the project, the applicant is required to submit as-built drawings for all stormwater management, runoff reduction and water quality facilities.
- The stormwater management and water quality facilities must be maintained in accordance with the maintenance schedule included in the SWPPP as approved by DEP.
- This approval shall expire and thereafter be null and void unless construction is completed within five (5) years of the date of issuance or within any extended period of time approved by DEP upon good cause shown.
- In the event that the material submitted is inaccurate or misleading, this approval is not valid and construction of this project is in violation of DEP regulations.
- Failure to comply with any of the conditions of this approval is a violation of this approval and the *Rules and Regulations For The Protection From Contamination, Degradation and Pollution Of The New York City Water Supply and Its Sources*.

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- A copy of the approved plans and determination should be maintained for record, and a copy must be available for inspection at the construction site.
- DEP shall be provided access to the project site during the construction phase for monitoring and inspection purposes.
- This approval and all conditions of the approval are binding on the owner of the property where the facility is to be located. Any references to the “applicant” in this approval or in any conditions of this approval shall be deemed to refer to the owner of such property.
- If the applicant sells or otherwise transfers title of **EE Brewster** before all construction planned for the property is completed and the site is stabilized, the applicant shall require the new owner (“Buyer”) to comply with the SWPPP approved by the New York City Department of Environmental Protection on **November 18, 2024** including, but not limited to, conservation easements, negative covenants, all provisions relating to erosion and sediment control during construction and to all maintenance of the stormwater management facilities once construction is complete. In particular, the applicant shall provide the Buyer with a copy of the SWPPP and shall cause the following real covenants and restrictions to be recorded with the deed for **EE Brewster** with the following provisions:
 - (1) Buyer hereby acknowledges, covenants, warrants, and represents that he/she shall install and maintain any and all erosion controls and stormwater management facilities on the premises in accordance with the SWPPP, such SWPPP being attached hereto as Exhibit __.
 - (2) Buyer’s installation and maintenance of the erosion control and stormwater management facilities shall be for the benefit of the City of New York as well as for the owners of **EE Brewster**.
 - (3) Buyer’s obligation to install and maintain any and all erosion controls and stormwater management facilities on the premises in accordance with the attached SWPPP shall be perpetual, shall run with the land, and shall be binding on Buyer’s heirs, successors, and assigns.
 - (4) Buyer hereby covenants, warrants and represents that any lease, mortgage, subdivision, or other transfer of the **EE Brewster SWPPP**, or any interest therein, shall be subject to the restrictive covenants contained herein pertaining to the installation and maintenance of erosion control and stormwater management facilities, and any deed, mortgage, or other instrument of conveyance shall specifically refer to the attached SWPPP and shall specifically state that the interest thereby conveyed is subject to covenants and restrictions contained herein.
- Prior to conveying title to **EE Brewster** the applicant shall submit to the New York City Department of Environmental Protection a proposed deed containing the aforementioned real covenants and restrictions.

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Determination made by:



Matthew Giannetta, CPSWQ
Chief
Regulatory & Engineering Programs

Recommended for approval by:



Melissa Ng
Associate Project Manager II
EOH Project Review Group
Regulatory & Engineering Programs

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APPENDIX A

The following documents were prepared by Insite Engineering, Surveying & Landscape Architecture, P.C. for the **Brewster Central School District** project:

1. Stormwater Pollution Prevention Plan, last revised October 16, 2024
2. Drawing OP-1, Overall Plan, dated June 20, 2022, last revised October 16, 2024
3. Drawing EX-1, Existing Conditions and Removals Plan, dated October 18, 2022, last revised November 8, 2024
4. Drawing SP-1, Layout Plan, dated June 20, 2022, last revised October 16, 2024
5. Drawing SP-2, Grading and Utilities Plan, dated June 20, 2022, last revised October 16, 2024
6. Drawings SP-3, Erosion & Sediment Control Plan, dated August 18, 2021, last revised November 8, 2024
7. Drawing SP-4, Landscape Plan, dated February 21, 2023, last revised October 16, 2024
8. Drawing SP-5, Wetland Buffer Enhancement Plan, dated May 22, 2023, last revised October 16, 2024
9. Drawing D-1, Erosion Control Details & Notes, dated October 24, 2022, last revised October 16, 2024
10. Drawing D-2, Site Details, dated October 24, 2022, last revised October 16, 2024
11. Drawing D-3, Stormwater Details, dated October 24, 2022, last revised October 16, 2024
12. Drawing D-4, Stormwater Practice Details, dated February 14, 2024, last revised October 16, 2024