

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
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www.dec.ny.gov



Department of
Environmental
Conservation

August 16, 2016

Town of North Castle Planning Board
Attn: Adam Kaufman
17 Bedford Road
Armonk, NY 10504-1898

**RE: The Vue
SEQR Review
Town of North Castle, Westchester County
CH#: 6571**

Dear Mr. Kaufman:

The New York State Department of Environmental Conservation (DEC or Department) has received the Notice of Intent to Serve as Lead Agency from the Town of North Castle Planning Board for the above referenced project. JMF Properties, LLC, is proposing to construct a multi-family housing complex, consisting of the following: 200 residential units in two 4 or 5 story buildings with underground parking with 420 spaces total. According to the provided information, the proposed complex will connect to existing water and sewer municipalities.

Based upon our review of your inquiry received July 18, 2016, we offer the following comments:

PROTECTION OF WATERS

There are no waterbodies that appear on our regulatory maps at the identified project site. 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, the Kensico Reservoir Class AA, 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.



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-OVER PLEASE -

FRESHWATER WETLANDS

The identified project site is near or in Freshwater Wetland W-6, Class 2. Be aware that a Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100 foot adjacent area. The proposed stormwater management area appears to be within the 100 foot adjacent area of the aforementioned Freshwater Wetland. To have the boundary delineated, please contact the Bureau of Habitat. Please be aware that, in order to meet permit issuance standards, impacts should be avoided or minimized.

In addition, the project sponsor should contact the 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.

MINED LAND RECLAMATION

According to the provided information, there are 420 underground parking spaces proposed. The provided EAF does not provide the volume of material to be removed, the total duration of excavation, or the construction sequencing and phasing durations. The EAF indicates that all material excavated will remain onsite but does not provide detailed plans depicting the amount of disturbance or cut and fill balances. Therefore, at this time the DEC cannot make a determination on the need for a Mined Land Reclamation Law permit or exemption. Please contact Halina Duda, Mined Land Reclamation, at (845) 256-3128 or at halina.duda@dec.ny.gov for additional information regarding mining activities and regulations. Please be aware that all necessary local (e.g. building permits, zoning and planning board approvals, etc.), state (e.g. SPDES construction, water quality certification, etc.), and federal approvals must be obtained prior to any excavation.

STATE-LISTED SPECIES

No records of sensitive resources were identified by this review.

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

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,

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please visit the New York State Office of Historic Preservation website at <http://www.nysparks.com/shpo/>.

OTHER

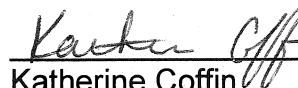
Please note that this letter only addresses the requirements for the following permits from the Department: Protection of Waters, State-listed Species, and Freshwater Wetlands. Other permits from this Department or other agencies may be required for projects conducted on this property now or in the future. 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 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 Town of North Castle assuming lead agency status for this project.

By copy of this letter we are advising JMF Properties, LLC and JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC 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,



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

Cc: Halina Duda, R3 DEC
Brian Drumm, R3 DEC

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80 South Jefferson Road, Suite 202
Whippany, NJ 07981
jforgione@jmfproperties.com

JMC Planning Engineering Landscape Architecture & Land Surveying PLLC
120 Bedford Road
Armonk, NY 10504

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.