

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2069 | F: (518) 357-2460
www.dec.ny.gov

June 17, 2022

Transmitted electronically to:

Emily Staley, Town Clerk
Town of Florida
214 Hunter Road
Amsterdam, NY 12010
emilystaley.tofclerk@outlook.com

**Re: Lead Agency Coordination Response
Route 30 & Belldons Road Planned Unit
Development
Town of Florida, Montgomery County**

Dear Emily Staley,

This letter responds to your correspondence of May 19, 2022, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (DEC) has the following interest in this project:

- Name of Action:** Route 30 & Belldons Road Planned Unit Development (PUD)
- Project Description:** The project would establish a PUD on approximately 500 acres of land that is currently zoned Agriculture.
- DEC Contact Person:** Patrick Connally, Environmental Analyst
- SEQR Classification:** Type I Unlisted Type II
- DEC Position:** Based on the information provided, DEC has no objection to your agency assuming lead agency status for this action.

****The DEC must be notified immediately if the project/proposed action scope changes, or the EAF is revised.***



Possible DEC Permits:

- **Article 15 Protection of Waters Permit** – 876-162, Class C streams, are located within the project area. An Article 15 Protection of Waters permit will be required if this stream is determined to be navigable and if this project results in excavation or fill below the mean high-water level. Please contact NYSDEC Region 4's biologist, William Buetow, at William.Buetow@dec.ny.gov to determine if the project will require Article 15 Protection of Waters permits. General information on streams and the permitting process can be located on our website at www.dec.ny.gov/permits/6042.html
- **Section 401 Water Quality Certification** – If this project will impact federally-regulated wetlands or waterbodies, which require a Section 404 Permit (Individual or Nationwide Permit) from the U.S. Army Corps of Engineers, a Section 401 Water Quality Certification may be required from the DEC. For more information, please contact Brad Sherwood at Brad.Sherwood@usace.army.mil.
- **SPDES General Permit for Stormwater Discharges from Construction Activity** – If this project will disturb one acre of land or more, the applicant must comply with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities. Information regarding the SPDES General Permit for Stormwater Discharges can be found on the DEC's website at <http://www.dec.ny.gov/chemical/8468.html>.
- **Article 15, Title 15, Water Withdrawal Permit** – Since this project will require the extension of a water district, a Water Withdrawal Permit or permit modification may be required. If any modifications will be required for existing water withdrawal permits for facilities that will support the projected water withdrawals, please contact Erica Cruden from DEC Region 4's Division of Water at (518) 357-2352 or at Erica.Cruden@dec.ny.gov.
- **Article 15, Title 5, Dam Safety Permit** – The Environmental Assessment form submitted indicated that an impoundment would be utilized for stormwater management but did not provide any specifications. A Dam Safety Permit is required unless the structure satisfies one of the following permit exemption criteria: a.) maximum height is 6 feet or less; b.) maximum impounding capacity is one million gallons or less; or c.) maximum height is between 6 feet and 15 feet and the maximum impounding capacity is less than three million gallons. Information regarding dams can be found on the DEC's website at <http://www.dec.ny.gov/lands/4991.html>.
- **Article 23, Title 27, Mined Land Reclamation Permit** – If more than 750 cubic yards of material will be excavated over a twelve-month period and the material is to be removed from the site, a Mined Land Reclamation Permit may be required. This includes pond construction projects if the excavated material will be removed from the project site.

Information regarding the Mined Land Reclamation program can be found on the DEC's website at <http://www.dec.ny.gov/lands/5020.html>.

Additional Comments:

- The approximate project locations one and three appear to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from the DEC, we may need to consult with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) in order to better evaluate this project's impact on these resources. To initiate consultation with OPRHP, please visit their project submission website known as CRIS at <https://cris.parks.ny.gov/>.
- While no specific habitat was identified on the subject parcel, the northern long-eared bat may be found in virtually any county in New York State. The DEC recommends that removal of any trees greater than 3 inches in diameter at breast height (dbh) take place between November 1st and March 31st each year, if possible, in order to avoid a potential threat to bats. Further, if this project involves any federal funding and/or federal permitting, consultation with the United States Fish & Wildlife Service (USFWS) New York Field Office in Cortland, New York, is required in order to determine if there are any further federal requirements with regard to the Northern long-eared bat.
- Since an extension of an existing public sanitary sewer service has been deemed necessary for the completion of this project, the DEC will require review/approval of all related project plans before the extension is constructed. For more information, please contact Erica Cruden from DEC Region 4's Division of Water at (518) 357-2352 or at Erica.Cruden@dec.ny.gov.

Enclosed is a copy of the DEC's jurisdictional map for your reference. Please note that the map is intended to provide an idea as to the approximate size and location of resources; actual field conditions may vary from those depicted on the map. The project area is outlined in red. Please feel free to contact me by telephone at (518) 357-2455 or by e-mail at Patrick.Connally@dec.ny.gov if you have any questions.

Sincerely,

Patrick S. Connally

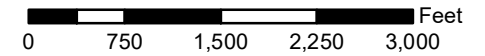
Patrick Connally
Environmental Analyst 1

Encl: Jurisdictional Map
ecc: S. Wilson, Bohler Engineering

NYS RESOURCES MAP

**TOWN OF FLORIDA TOWN BOARD
PLANNED UNIT DEVELOPMENT
Route 30 & Belldons Road
Town of Florida
Montgomery County**

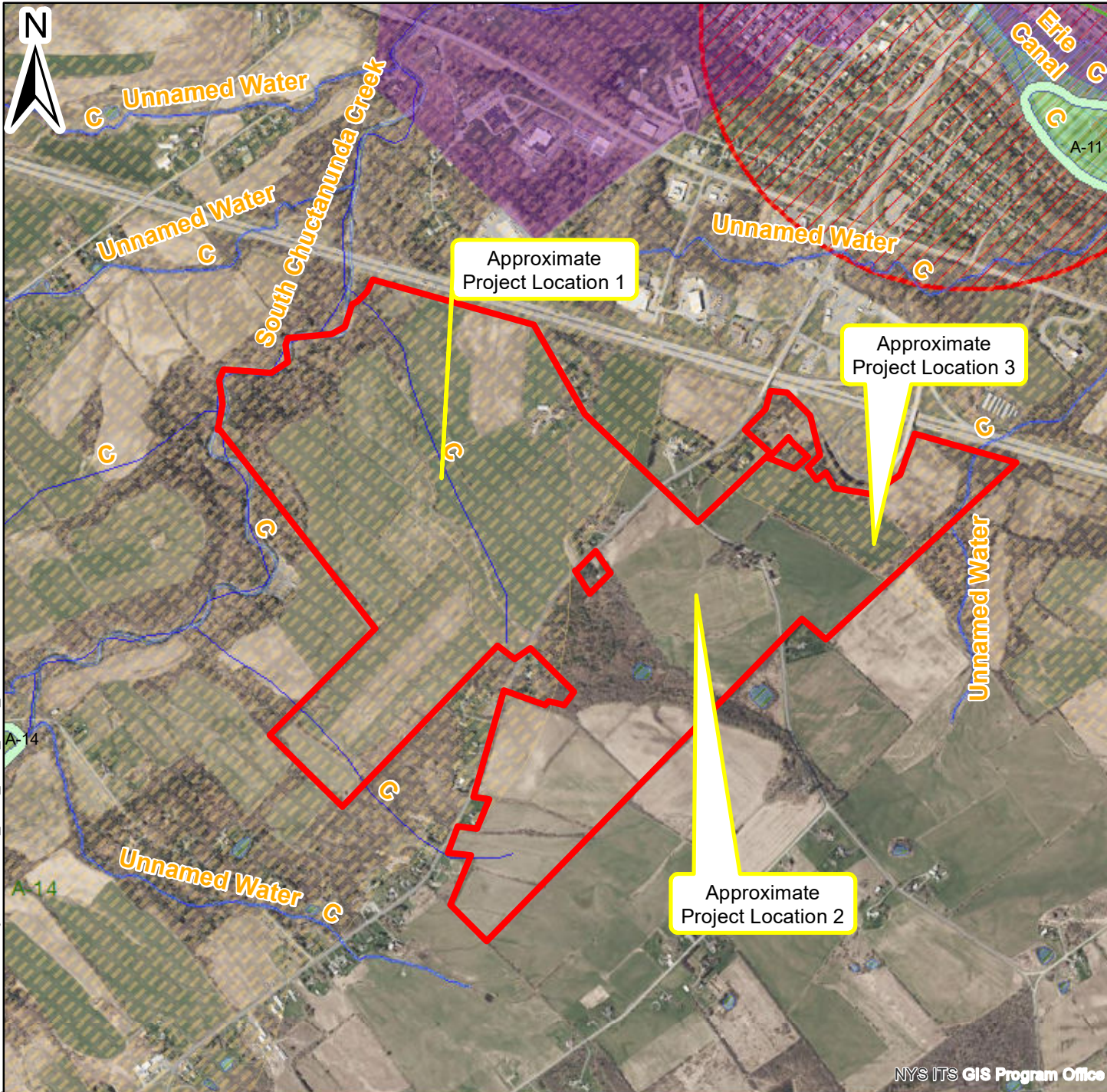
June 7, 2022



1 inch equals 1,500 feet

Legend

- Freshwater Wetland Class 1
- Freshwater Wetland Class 2
- Freshwater Wetland Class 3
- Freshwater Wetland Class 4
- National Wetlands Inventory - USACE
- Unprotected Streams
- Protected Streams
- EPA Sole Source Aquifers
- Archeological Sensitivity
- National/State Historic Register Site
- Potential EJ Area
- Threatened or Endangered Mussels
- S1 or S2 Freshwater Mussels
- Aquifers, Primary
- Scenic Areas of Statewide Importance
- Scenic Byways
- All E&T species, except fish
- E&T Freshwater Mussels
- E&T Fish
- Critical Environmental Areas



Division of Environmental Permits Projection: NAD_1983_UTM_Zone_18N



**Department of
Environmental
Conservation**

Disclaimer: This map was prepared by Region 4 NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data. This map may contain information that is considered sensitive and therefore the distribution of this map is strictly prohibited. Additional resources may be present but not depicted on this map.