

APPENDIX A
Comment Letters



**DEPARTMENT OF
ENVIRONMENTAL
PROTECTION**

465 Columbus Avenue
Valhalla, New York
10595-1336

**Steven W. Lawitts
Acting Commissioner**

Tel. (718) 595-6565
Fax (718) 595-3557

Bureau of Water Supply

**Paul V. Rush, P.E.
Deputy Commissioner**

Tel (914) 742-2001
Fax (914) 741-0348

August 26, 2009

Mr. Harold Gary, Planning Board Chairman
Town Hall
Town of Carmel
60 McAlpin Road
Mahopac, New York 10541

Re: **Supplemental DEIS
Hillcrest Commons
NYS Route 52 & Dykeman Road
Town of Carmel & Kent, Putnam County
DEP Log#: 2003-CF-0918-SQ.1**

Dear Mr. Gary and Members of the Board:

The New York City Department of Environmental Protection (NYCDEP) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the above-referenced. NYCDEP respectfully submits the following comments for the Board's consideration:

Section 3.0 Impact Issues

1. Table 3.1-1 shows water demand/sewage flow to be 36,000 gpd under the revised SDEIS plan while page 3.1-5 indicates water and sewer demand are estimated at 45,000 gpd.] 3-18

Section 3.2 Wetlands

2. With regard to the wetland mitigation, an impact to creation ratio of 1.4:1 is proposed. The applicant should explore a mitigation ratio of at least 2:1.] 4-1

Section 5.0 ALTERNATIVES

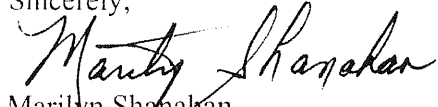
3. The SDEIS proposes an "Affordable Senior Alternative" consisting of 150 senior residential rental units in six structures. The alternative would result in a reduction in overall land disturbance, reduced impact to steep slopes and less impervious surface when compared to the latest revised SDEIS layout. Additionally, the alternative will preserve approximately two additional acres of land characterized as "wooded".] 7-1
4. The second paragraph of Section 5.0 states that "the applicant anticipates that the project will be a senior affordable rental housing project." Given the reduced environmental impacts enumerated above, Stormwater] 7-2

Programs supports the project sponsor's inclination towards the "Affordable Senior Alternative."

↑ 7-2

Thank you for the opportunity to provide comments. Please contact Ms. Cynthia Garcia of my staff at (914) 773-4455 if you have any questions or care to discuss the matter further.

Sincerely,


Marilyn Shanahan
SEQRA Coordination Section

xc: B. Orzell, US Army Corps. of Engineers
M. Duke, NYSDEC – Region 3
New York State Dept. of Transportation
Putnam County Planning & Development
Town of Kent, Planning Board
M. Soyka, Rohde, Soyka, & Andrews
J. Dahlgren, Tim Miller Associates, Inc.



CROTON WATERSHED
CLEAN WATER COALITION, INC.
9 Old Corner Road, Bedford, NY 10506

Mission: *The Coalition strives to protect and improve the waters of NYC's Croton Watershed, a critical component of the water supply for half the population of New York State. We are an alliance of individuals and groups who believe that safe, clean, affordable drinking water is a basic human right.*

HILCREST COMMONS
Comments on the SDEIS for August 26, 2009 Public Hearing

My name is Fay Muir, President of the Croton Watershed Clean Water Coalition, also known as CWCWC.

CWCWC has commented extensively on the original DEIS and submitted written comments by our engineer David Clouser, P.E.; by our wetlands ecologist Erik Kiviat, Ph.D., Executive Director of Hudsonia, and by Eugene Bosch, Ph.D., senior archaeologist, specializing in Native American cultures, also a member of the Westchester County and Putnam County Historic Preservation Advisory Committees

The Lead Agency's original SEQRA findings were challenged in court by CWCWC. Subsequently, the NYS Supreme Court granted our petition and remanded the matter for the completion of archaeological studies.

The additional archaeological studies required by the Supreme Court confirmed Mr. Boesch's analysis by identifying forty-two locations of quartz veins, geologic interests and archeological interests. These studies indicate that two areas of the site are eligible for inclusion in the State and National Registers of Historic Places due to the site's use for processing and production of stone tools for Native Americans.

While we recognize that the Applicant has made substantial progress regarding archaeological impacts, there are still important issues that remain unresolved.

5-1
(Duplicate from PH)

President:
Fay Muir
718-944-4668
fumir@aol.com

Office:
9 Old Corner Road
Bedford, NY 10506
Ph: 914-234-6470
Fax: 914-234-6139
crotonwshed@aol.com
www.crotonwatershed.org

Regional contacts:
Putnam County
Ana Fanizzi
845-228-4265
rossfanizzi@aol.com

Westchester County
Suzannah Glidden
914-485-1052
crotonwshed@aol.com

Bronx Borough
Fay Muir
718-944-4668
fumir@aol.com

Manhattan Borough
David Ferguson
212-989-0519
fergda@ymail.com

Coalition members: ADK Mohican * Audubon Society * Bedford, Bronx River/Sound Shore, Central Westchester, Hudson River, Saw Mill River groups * Bedford Barrow Commerce Block Association * Bedford Garden Club * Bronx Greens * Catskill Heritage Alliance * Church of Holy Apostles * Citizens for Equal Environmental Protection (CEEP) * Clean Water for the Bronx * Coalition for the Preservation of Rolling Greens * Concerned Citizens for Open Space * Concerned Residents of Carmel-Mahopac * Concerned Residents of Kent * Concerned Residents of Southeast * Council of Chelsea Block Associations * Croton Heights Community Association * Dickerson Mountain Preservation Association * Diocesan Missionary & Church Extension Society * Episcopal Diocese of New York * Federated Conservationists of Westchester County (FCWC) * Friends of the Great Swamp (FrOGS) * Friends of Hudson River Sloop Clearwater * Friends of Hudson River Sloop Clearwater - NYC * George Nikitovich, et al * Goldens Bridge Community Association * Grassroots * Hands Across the Border (HIAB) * HDFC (Housing Development Fund Cooperative) Council * Hudson River Sloop Clearwater * Huntersville Association * INTERLOC * Jay Heritage Center * Junior League of Westchester-on-Hudson * Lake Dutchess Association, Inc. * Metropolitan Council on Housing * Putnam County Coalition to Preserve Open Space * Queens Civic Congress * Regional Review League - Bedford * Rusticus Garden Club * Sierra Club: Atlantic Chapter, Lower Hudson, NYC, Ramapo-Catskill groups * Shorewalkers, Inc. * Southern Yorktown Homeowners' Association * Tawawa Lake Reservation, Inc. * Trout Unlimited: Croton Watershed and NYC Chapters * Westchester Land Trust * Yorktown Land Trust

Most significantly, on June 23, 2009, the NYS Appellate Court upheld the Town of Kent Zoning Board of Appeals' determination that the Applicant could not use areas in the Town of Kent for its access road. Therefore, the Applicant's preferred plan cannot be built. Among others, the Court's ruling clearly indicates that in order to comply with Kent's Zoning Code the Applicant must relocate the project's access road.

2-3
(Dup. from PH)

Here is a copy of the Court's decision. (Submit the Decision).

Obviously, the Appellate Court's determination alters many of the assumptions regarding the project's environmental impacts.

In relocating and redesigning the access road, the Applicant must, for example, re-examine storm water impacts. In addition, the Applicant must also re-examine impacts on wetlands, on known locations of the endangered species Shining Bedstraw, and also avoid sensitive archaeological areas.

2-4
(Dup. from PH)

Though this controversy dates back to 2006, the SDEIS inexplicably failed to identify the Kent ZBA as an involved or interested agency. (See SDEIS Sections 1.2 and 1.5). In fact, the SDEIS even stated that "Land use and zoning was fully analyzed in the former DEIS and FEIS and the land use impacts have not changed since the FEIS was prepared." (At pg. 3.1-4).

2-6
(Dup. from PH)

Prior environmental reviews contained no viable access road alternative. Though the DEIS included a proposed road accessing the site from South of the Shoprite Plaza, that alternative was rejected as having too many impacts upon wetlands and steep slopes.

2-7
(Dup. from PH)

Finally, under SEQRA, subsequently to the project's redesign, the public must be provided with ample opportunity to analyze the new design and make comments. This project, that will include major blasting, the wholesale removal of forested areas to be replaced by impervious surfaces, increased negative impacts on air and water quality, as well as increased traffic, deserves strict reviewing by the many local residents who could be severely affected by these impacts.

2-8
(Dup. from
PH)

We look forward to a continuing review of this project and a public hearing.

Thank you for this opportunity to offer comments.

Fay C. Muir, President



**ROHDE, SOYKA
& ANDREWS**
Consulting Engineers, P.C.

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: msoyka@rsaengrs.com

Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

To:	Planning Board Town of Kent	Attn:	Russell Fleming Chairman
From:	Michael W. Soyka, P.E.	Subject:	Supplemental Draft Environmental Impact Statement of July 23, 2009
Date:	August 26, 2009	Project:	Hillcrest Commons TM #44.10-2-1 TM #44.09-2-27

The subject Supplemental Draft Environmental Impact Statement was reviewed for completeness only. A technical review was not performed. The following comments are offered for consideration by the Planning Board:

1. Add Stormwater Pollution Prevention Plan acceptance as an action by the Town of Kent (page 1-3) } 2-18
2. See page 3.1-4. The last paragraph under Water Resources states that no potential significant adverse impacts on the reservoir, or its watershed, are anticipated from the proposed project. The Croton watershed is a Total Maximum Daily Load (TMDL) restricted basin, with phosphorus being the pollutant of concern. This section should be expanded to address the impact of the phosphorus discharge from the project that the proposed stormwater management practices will have on the watershed. } 2-19
3. The Preliminary Stormwater Pollution Prevention Plan (SWPPP) is incomplete and does not address, or in some cases even recognize, the following required elements:
 - a. On page 3 of the SWPPP it states that the soil classifications and data can be found on Figures 2 and 3. That information is not shown on the aforementioned Figures.
 - b. It also states on Page 3: "The hydrologic soils groups for the project consist of mainly of (sic) B Soils." It then lists several soil groups. The hydrologic soil group for each of the soil types identified should be shown, since all of the soil groups mentioned are not B soils. } 3-20
 - c. What are the pollution control measures that will be used to control litter?
 - d. Provide an Operations and Maintenance plan for post construction components (PCC). Refer to the Inspection forms in the appendices to the NYS Stormwater Management Design Manual for guidance.
 - e. Prepare a schedule of PCC inspections.
 - f. Provide sample inspection reports for use during construction and after construction.

Memorandum
Hillcrest Commons DEIS
TM #44.10-2-1 & 44.09-2-27
August 26, 2009
Page 2 of 2

- g. Provide the MS4 - SWPPP Acceptance Form for the Town of Kent and the Town of Carmel.
- h. Provide a completed Notice of Intent.
- i. Provide a blank Notice of Termination.
- j. Refer to Part III A.5 of the Construction Permit, GP-0-08-001 and provide the contractor and subcontractor certification statement.
- k. Provide mapping showing the locations of the deep hole testing that is recorded in Appendix C to the Preliminary SWPPP.

3-26
Con'7

Given the above deficiencies, the Planning Board should consider making a recommendation to the Town of Carmel Planning Board that subject SDEIS is incomplete.

Michael W. Soyka
Michael W. Soyka, P.E.

cc: 04-261-111

LRC PLANNING SERVICES, LLC

LAND USE/REAL ESTATE/ENVIRONMENTAL CONSULTING

**8 MOREHOUSE ROAD
POUGHKEEPSIE, NEW YORK 12603-4010
TELE: 845-452-3822
FAX: 845-452-3346**

MEMORANDUM

To: Town of Kent Planning Board
From: Neil A. Wilson, AICP
Date: September 19, 2009
Re: Hillcrest Commons Supplemental DEIS

With reference to the above matter, I have reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) accepted by the Town of Carmel Planning Board as the Lead Agency on July 8, 2009 and offer the following for the Board's consideration:

- 1) Section 1.5 "Listing of Matters to be Decided": The list includes a "waiver of road standards" from the Town of Kent Planning Board as a required approval but no information as to the specifics of the waiver request are provided. Further, Section 2.6 "Project Description and Layout" (page 2-5) states that the road "would be constructed to the Standards of the Town of Carmel and the Town of Kent." This should be clarified. } 3-21
} 2-19
- 2) Section 3.3 "Cultural Resources": The discussion of Cultural Resources should include mapping showing the location of the original shovel tests conducted for the Phase IB and Phase II investigations. The mapping of the original shovel tests should be correlated to the proposed grading as depicted on the Grading & Utilities Plan (SP-3.1). } 5-2
- 3) Section 3.3 "Cultural Resources": The language of the deed restriction to protect the identified sensitive areas should be provided. Final correspondence from OPRHP should also be provided indicating acceptance of the "Avoidance Plan". The most recent correspondence from OPRHP is dated March 27, 2008 and simply states that final plans are required for review. } 5-3
- 4) Figure 3.3-1 "Avoidance Plan for Archaeological Resources": The mapping of the two sensitive areas located in the Town of Kent fail to identify which "cluster" these two areas are a part of. It is also unclear from the map as to whether these two areas are actually meant to be protected? } 5-4
- 5) Section 5.0 "Alternatives": The SDEIS should address in greater detail the plan to ensure that the proposed senior units remain "affordable" and whether the "affordability" of these units would remain in place for the life of the units or whether they would revert to market rate housing at some future point. In addition, will there be restrictions on the ability of the project sponsor, or a future owner, to convert the units to condominium ownership? } 7-3



September 21, 2009

To: Planning Board

From: Bruce Barber
Town of Kent Environmental Consultant

Re: Hillcrest Commons
Route 52
Map 33.18 Block 1 Lot 14

Dear Chairman Fleming and Members of the Planning Board:

Please be advised that I have conducted a review of the following document relative to the above referenced project:

- Report entitled; "Supplemental Draft Environmental Impact Statement-Hillcrest Commons" prepared by Tim Miller Associates, Inc. dated April 3, 2009 most recently revised July 23, 2009.

Site inspections of the wetland and watercourse areas relative to the above reference project which were situated in the Town of Kent were conducted on September 3, 2009 and September 10, 2009. My comments relative to the SDEIS and the Final Scoping Outline adopted December 8, 2008 are as follows:

Part IV: Impact Issues:

B: Wetlands:

1b1: Site inspection utilizing methodology found in Chapter 39A of the Town of Kent Town Code revealed an additional wetland area adjacent to Flag #17 as depicted on Figure 3.2-4 in the SDEIS. It is requested that a NYS Licensed Land Surveyor update the completed wetland field boundary determination and provide calculation of the total area (in square feet) within the wetland boundaries in the Town of Kent to determine if the wetland area meets jurisdictional size requirements. If found to be a jurisdictional Town of Kent wetlands, additional review and comment will be required.

4-2

1b5: The applicant has indicated that the function of identified Town of Kent watercourse and buffer is surface water conveyance. Based upon review, it would appear that additional functions include ground water recharge as well as flood

4-3

- attenuation. How will these area functions be mitigated as the watercourse if proposed to be piped?] 4-3
con't
- 1b8: There has not been an analysis of the pre and post construction hydrology of watercourse. Based upon the proposed improvements (road, stormwater basin, and piping) it would appear that the functions of ground water recharge and flood attenuation will be substantially impacted if not lost. Please indicate if alternative such as permeable pavement, etc. can be used.] 4-4
- 1b9: Analysis of Indiana bat and Shining bedstraw including map of observed locations, limits of disturbance, and planned conservation/protection is not included.] 4-5
- 2b: The short-term and long-term modifications of water budgets, pollution loading and impacts to vegetative cover have not been included. Analysis of heightened phosphorous criteria and the long-term stormwater basin maintenance requirements has not been provided.] 4-6
- 2c: The amount of fill to be removed or placed in the watercourse and watercourse buffer has not been provided.] 4-7
- 2d4: Proposed maintenance including the removal of invasive species has not been included.] 4-8
- 3a2: Applicant proposes to mitigate impacts to Town of Kent jurisdictional watercourse and watercourse buffer by the expansion of wetland "B" located in the Town of Carmel. It is unclear how the proposed mitigation will mitigate for impacted ground water recharge and flood attenuation in the Town of Kent.] 4-9
- The applicant has not received an ACOE individual permit which includes mitigation measures.] 4-10
- Soil logs indicating deep and percolation inspection and test data should be provided.] 3-22
- Please provide greater clarity regarding the acceptable function of the stormwater basin located in the watercourse buffer as the water table ranges from 1.0 feet above to 0.5 feet below the ground surface from November through April (page 3.2-2 of SDEIS). How will this basin function during these cold temperatures (icing).] 4-11
- What mechanism(s) will be in place to ensure maintenance of open flow of watercourses and piping located on properties to the south (i.e. culverts under dirt roads, shopping center culverts)?] 4-12
- What maintenance will be in place to ensure water quality and quantity thresholds of the stormwater basins located in the Town of Kent will be maintained and not impact watercourse function? Will drainage easements be required?] 4-13
- Please provide correspondence from NYCDEP indicating that construction of the road is permitted within a jurisdictional watercourse and watercourse buffer.] 4-14

Please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'B Barber', written in a cursive style.

Bruce Barber, PWS, CPSWQ, Cert. Ecologist
Town of Kent Environmental Consultant

1770 CENTRAL STREET YORKTOWN HEIGHTS, NY 10598
Telephone: 914.962.7733 Fax: 914.962.0330

Kent-Hillcrest Commons 09-21-09

TOWN OF KENT
PLANNING BOARD
25 SYBIL'S CROSSING
KENT LAKES, NEW YORK 10512

(845) 225-7802

Fax (845) 306-5283



September 24, 2009

Mr. Harold Gary, Chairman
Town of Carmel Planning Board
60 McAlpin Ave
Mahopac, New York 10541

Re: Hillcrest Commons SDEIS

Dear Mr. Gary and Members of the Board:

Several members of the Town of Kent Planning Board were in attendance at your public hearing on the above project. As an interested agency listed in your notice dated July 22, 2009, we are providing attached individual sets of comments from our engineering, planning and environmental consultants, and also have some consensus comments from our Planning Board members that we would like you to consider.

We recognize that your primary focus will be on the two issues for which the court decided additional consideration was necessary, i.e. wetlands and cultural resources, as well as on the proposed reconfiguration of the buildings on the site. The reconfiguration includes the possible construction of six buildings as opposed to eight.

The View of Carmel as a Historic Resource

While our environmental consultant has addressed the bulk of the wetlands issues within his comments, our Planning Board is concerned that the focus of the cultural impact analysis is too narrow, in that it confined itself to archeological concerns. Within the scope of SEQRA, the "impact on historic and archeological resources" should extend to the impact of the project on the historical appearance of the hamlet of Carmel, particularly the well-known view of the hamlet when entering from the west along Route 6. To the best of our knowledge, this project will sit above and to the left of the steeple of the Mt. Carmel Baptist Church in that historic view. The SDEIS, in evaluating the visual impact of the project, speaks only of the impact along Route 52 and Willow Trail.

Within the examples of "impact on historic and archeological resources" listed in Part 2 of the Full Environmental Assessment Form (SEQR Appendix A) as responsibilities of the lead agency is the question of the impact caused by "Proposed Action occurring wholly or partially within or substantially contiguous to any facility listed on the State or National Register of historic places". Some of the buildings in that view of Carmel are listed on the National Register of Historic Places, including the Putnam County Courthouse and the Reed Memorial Library, while a number of others are eligible. In fact, we are aware of past proposals to create a historic district. We believe that the

5-5

project can be considered "substantially contiguous" to those culturally significant buildings, and that the visual impact should be considered, especially since rearrangement of the buildings on the site is part of the SDEIS process.

5-5
can't

In the past, our Planning Board has requested that the applicant provide mock-ups of the potential visual impact. This could assist your Board in making decisions relative to tree lines to remain, or which of the eight buildings are to be eliminated if the six-building option is pursued. The importance of maintaining this historic view should be a priority for your Board.

Other Concerns

Our Planning Board continues to have concerns in other areas. For example, we are disappointed that your Planning Board could not find a way to consolidate the traffic leaving the proposed project with that leaving the Shoprite Plaza, so as to provide a common point of entrance onto Route 52. We note that you have in the past recognized this as an advantage, such as with the Dunkin Doughnuts property at the K-Mart Plaza, so that a single traffic light can safely accommodate the entrance of vehicles onto the state road. We remain concerned about the synergistic effect on traffic congestion that this development will have with other proposed developments along Routes 52 and 311, including Kent Manor and the proposed Patterson Crossing project.

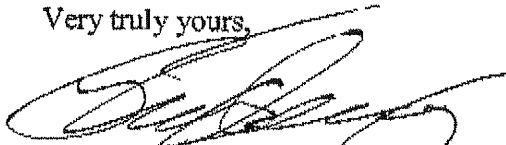
8-9

We have been advised that your town does not have a blasting ordinance, and hope that you insist the developer hold to a standard consistent with that contained in the ordinance of the Town of Kent, since some of the blasting is expected to take place within our town. Although Section 3.1-4 of the SDEIS states that impacts to the groundwater are not expected, we are concerned that blasting associated with the project holds the potential for release of radon into well water, and urge that the Putnam Health Department be consulted, with radon testing of nearby wells conducted in advance and for a period of one year following blasting. Similarly, while Section 3.1-6 states that the proposed project is not expected to result in significant noise or air quality impacts, it should be recognized that the blasting can result in the release of radon into the basements of surrounding homes.

3-23

We appreciate the opportunity to comment.

Very truly yours,

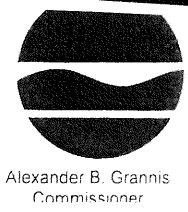


Russell P. Fleming, P.E., Chairman
Town of Kent Planning Board

JK-file

LETTER # 7

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, New York 12561-1620
Phone: (845) 256-3000 • **FAX:** (845) 255-4659
Website: www.dec.ny.gov



September 29, 2009

Via Fax (845) 628-7085 and US Mail

HAROLD GARY
TOWN OF CARMEL PLANNING BOARD CHAIRMAN
60 MCALPIN AVE
MAHOPAC, NY 10541

COPY

RE: DEC Application No. 3-3720-00386/00001
Comments on Supplemental Draft Environmental Impact Statement (SDEIS)
Hillcrest Commons – 150 Age Restricted Condominium Units on 80.85 Acres
Town of Carmel, Putnam County

Dear Mr. Gary:

The New York State Department of Environmental Conservation (DEC or Department) has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS) for the Hillcrest Commons condominium project proposed by BBJ Associates, LLC. The Department is an involved agency in the SEQR review of this project. The following permits and approvals will likely be required from DEC for the project including:

1. 401 Water Quality Certification for the filling of .51 acre of federally regulated wetland associated with the construction of the access road to serve the proposed development.
2. Coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-08-001) for the proposed disturbance of greater than 1 acre of land. A Notice of Intent (NOI) must be filed with DEC to obtain coverage under this permit. As this parcel is located within the Town of Carmel Municipal Separate Storm Sewer System (MS-4) the MS-4 Acceptance Form must be submitted when filing the Notice of Intent for coverage with the Department.

2-20

The Department understands that the SDEIS was prepared in response to an Article 78 ruling which annulled the previous Finding's Statement issued by the Town Planning Board. The Article 78 judgment indicated that the evaluation of wetlands and archeological issues were deferred by the Lead Agency, and these two issues warranted further evaluation. Therefore, the focus of the SDEIS is on these two items of concern. The following comments are offered for the Town Planning Board's consideration:

Freshwater Wetlands

Based upon review of aerial photos and the wetland delineation provided, it appears that the subject property contains wetlands that are of size and quality to be eligible for inclusion on the state regulatory maps for Freshwater Wetlands. Although not currently identified on state wetland regulatory maps, it is the Department's position that impacts to these wetlands should be avoided and minimized to the extent practicable. In similar circumstances, the Department has worked with project sponsors to achieve an acceptable development consistent with the state regulatory permit standards (6 NYCRR Part 663) without being delayed by the formal process of adding a wetland to the state map. The above referenced wetland is located along the south-western portion of the subject parcel and is identified as "Wetland B" within the SDEIS. The Supplemental Final Environmental Impact Statement (SFEIS) should indicate the status of this wetland as eligible for inclusion on the state regulatory maps and should reference this wetland as a "NYS Eligible Freshwater Wetland." As no

4-15

disturbance is proposed within this wetland (the proposed access road is to cross federally regulated "Wetland A" located on the northern portion of the site) and the only proposed disturbance within its 100 foot adjacent area is for the implementation of .76 acre of wetland mitigation plantings to compensate for the federally regulated wetlands to be lost through construction of the access road, the proposal is consistent with DEC permitting standards.

↑
4-15
cont

Section 3.2.1 states "The NYSDEC Freshwater Wetlands Map for Lake Carmel, Putnam County, covers the site (see Figure 3.2-2). The map indicates that no State-regulated wetlands are present on, or adjacent to, the project site, that the closest State regulated wetlands are Wetlands LC-17, LC-25, and LC-26, and that these wetlands are located approximately one half mile from the site." This section should be revised to note the status of "Wetland B" as a "NYS Eligible Freshwater Wetland." Section 3.2.3 provides detailed descriptions of the on-site wetlands. The description under "Wetland B" should again identify this wetland as a "NYS Eligible Freshwater Wetland." Finally, several figures within the SDEIS denote "Wetland B" including figures 3.2-3 and 3.2-5. These figures should be revised to reflect the preferred language of DEC referenced above.

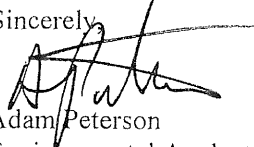
↑
4-16

Cultural Resources

Please note that as a State Agency with regulatory authority over this proposal, DEC has an obligation pursuant to the State Historic Preservation Act to ensure that the requirements of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) are enacted. Therefore, any permit issued by this Department will include conditions regarding the implementation of deed covenants and the Avoidance Plan for Archeological Resources noted in the September 5, 2008 correspondence from Cynthia Blakemore of the OPRHP.

↑
5-6

DEC thanks you for the opportunity to comment on this project and the SDEIS. Please contact me with any questions that you may have at (845) 256-3096.

Sincerely,

Adam Peterson
Environmental Analyst

- Cc: BBJ Associates, LLC
Steve Marino, Tim Miller Associates
Margaret Duke, R3 Regional Permit Administrator (Via GW)
Brian Drumm, DEC (Via GW)
Cynthia Blakemore, NYS OPRHP
NYC DEP, Valhalla
USACOE