

**New York State Department of Environmental Conservation**

**Division of Environmental Permits, Region 3**

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**Department of  
Environmental  
Conservation**

November 22, 2017

Town of Poughkeepsie Planning Department  
1 Overocker Road  
Poughkeepsie, NY 12603

**RE: Draft Environmental Impact Statement  
MacDonnell Heights Town Center  
Town of Poughkeepsie, Dutchess County  
DEC ID # CH 6346**

Dear Ms. Barone,

The New York State Department of Environmental Conservation (DEC) has reviewed the Draft Environmental Impact Statement prepared for MacDonnell Heights Town Center Project, received by the Department on October 4, 2017. According to the circulated documents, the proposed project is the development of an approximately 60.87-acre site on Route 44 in the Town of Poughkeepsie (the "Town") as a mixed-use project with 390 multi-family residential units, approximately 103,500 square feet of commercial use, 18,600 square feet of other nonresidential use, and utilities and infrastructure improvements.

The project includes onsite stormwater management, reconstruction and connection to an existing private wastewater treatment plan (WWTP) via formation of a Transportation Corporation, and water will be supplied by the Poughkeepsie Townwide Water District.

Department Jurisdiction

Based on our review of the circulated documents, it appears that implementation of the project may require the following Department permits/approvals:

**1. Threatened & Endangered Species**

The DEIS considers potential impacts to threatened and endangered species, and in particular state-listed species: Blanding's Turtle (*Emydoidea blandingii*), a New York State Threatened species, and Indiana Bats (*Myotis Sodalis*), a New York State Endangered species.

Blanding's Turtle – The Draft Environmental Impact Statement discusses project considerations regarding wildlife and vegetation in Chapter 3I. In reference to Blanding's turtle, the DEIS does not provide documentation or examples to support

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MacDonnell Heights Town Center  
Town of Poughkeepsie, Dutchess County  
DEC ID # CH 6346**

conclusions made in the DEIS, or details related to the amount of impact. Supporting documentation, such as preliminary avoidance or mitigation measures, proposed plans or habitat assessments, for example, should be included.

Indiana Bats – The Draft Environmental Impact Statement states that tree removal will be necessary for the project. To avoid any incidental take, the Department recommends that any tree removal associated with the project take place within the appropriate time of year, November 1 through March 31, in order to avoid direct adverse impacts to the Indiana bat. If 10 or more acres of tree cutting is proposed, additional review may be required by the Department.

This timing restriction shall be documented in the notes of any plans regarding this project. Please note that if the above conservation measure (i.e. time of year restriction) cannot be incorporated within project plans, then additional study and review of impacts to these species may be required.

## **2. Compliance with the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (GP-0-15-002)**

Compliance with this SPDES General Permit is required for construction projects that disturb one or more acres of land. It appears that this site is within the Poughkeepsie-Newburgh Regulated MS4 (Municipal Separate Storm Sewer System), area. Therefore, the Stormwater Pollution Prevention Plan (SWPPP) must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department.

## **3. Water Withdrawal**

This project proposes to use an existing public water supply, the Poughkeepsie Townwide Water District, to meet an anticipated maximum daily demand of 103,000 gallons/day.

It appears that the proposed site is within a previously approved water service area, therefore the line extension to the site will not require a permit. However, water supply from the Poughkeepsie Water Treatment Facility is permitted at a maximum withdrawal capacity of 19.3 MGD (DEC ID # 3-1313-00069/00004). If this threshold will be exceeded due to the proposed project, a modification to the Article 15 Water Withdrawal Permit will be required. Additional information regarding the water withdrawal program and application procedures can be found at the following DEC website at <http://www.dec.ny.gov/lands/86935.html>.

## **4. Wastewater**

According to the information submitted, the proposal seeks to rebuild and expand the existing Poughkeepsie Corporate Center Wastewater Treatment Plant located at the

**RE: Draft Environmental Impact Statement  
MacDonnell Heights Town Center  
Town of Poughkeepsie, Dutchess County  
DEC ID # CH 6346**

Poughkeepsie Business Park. The total anticipated capacity for existing and future uses is 95,000 gallons/day. A private Sewage Works Corporation will be formed to own, operate and maintain the wastewater collection and treatment facilities. The receiving waterbody is Wappinger Creek, and the existing outfall is proposed for use, and no changes to the outfall are anticipated. Preliminary limits have been obtained by the Department, however, please note that these are preliminary and subject to change. A wastewater SPDES permit will be required.

**5. Protection of Waters:**

Wappinger Creek, Waterbody Index Number H-101, Class B (T), is located within or near your property. This is a protected waterbody. A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream) of any streams identified as "protected."

Tributary of Wappinger Creek, Waterbody Index Number H-101-6a, Class C, is located within or near your property. This is a non-protected waterbody. A permit is not required to disturb the bed or banks of "non-protected" streams.

According to the DEIS, Chapter 3D Surface Water Resources, no impacts are anticipated to Wappinger Creek [WIN H-101, Class B (T)], and the approximate project area does not encompass Tributary of Wappinger Creek, [WIN H-101-6a, Class C].

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.

**6. Water Quality Certification:**

According to the Draft Environmental Impact Statement, a Jurisdictional determination will be requested for the filling of Wetland 1, as described in Chapter 3D Surface Water Resources. If a permit from the ACOE is required for filling Wetland W1, a Section 401 Water Quality Certification may be required from the Department. If the project is covered under a Nationwide Permit, the project may also be covered under the statewide issued Blanket 401 Water Quality Certification, or it may need an individual Water Quality Certification.

By copy of this letter we are advising project representatives of the above referenced comments. It is possible that the DEC permit requirements may change based upon additional information received or as project modifications occur. If you have any additional comments or questions, please contact me at (845) 256-3059.

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Sincerely,



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Tracey O'Malley  
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