

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 3
21 South Putt Corners Road, New Paltz, NY 12561-1620
P: (845) 256-3054 | F: (845) 255-4659
www.dec.ny.gov



Department of
Environmental
Conservation

July 11, 2019

Lizabeth Meszaros, Secretary to Planning & Zoning
Village of Tarrytown
1 Depot Plaza
Tarrytown, NY 10591

Re: Artis Senior Living – 153 White Plains Road
Village of Tarrytown, Westchester County
CH# 8321
SEQR Response and Comments on Jurisdiction

Dear Ms. Meszaros,

The Department of Environmental Conservation (DEC or Department) received your Notice of Completion of a Supplemental Draft Environmental Impact Statement (SDEIS) on June 6, 2019 regarding a proposed 35,952 square-foot Alzheimer/dementia memory care facility at the above-referenced location. Based upon our review of your submitted materials, we offer the following comments.

PROTECTION OF WATERS

There are no waterbodies that appear on our regulatory maps at the location/project site you identified. 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, and a Protection of Waters permit may be required to disturb its bed or banks. 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 would not be required to disturb its bed or banks.

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.

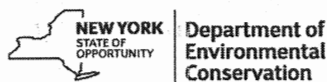
FRESHWATER WETLANDS

Your project/site is not within a New York State protected-Freshwater Wetland. However, please contact your town officials and the United States Army Corps of Engineers in New York City, telephone (917) 790-8511, for any permitting they might require.

STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near record(s) of the following state-listed species:

Name	Status
Shortnose sturgeon (<i>Acipenser brevirostrum</i>)	Endangered



A permit is required for the incidental taking of any species listed as “endangered” or “threatened”, which can include removal of habitat. Based on the nature of the proposal and its location upland, no impacts to Shortnose sturgeon would be anticipated.

The absence of data does not necessarily mean that other rare or state-listed species, natural communities or 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.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES)

If the overall project will disturb over one acre of land, the project sponsor must obtain coverage under the current SPDES General Permit for Stormwater Discharge from Construction Activity (GP-0-15-002), and a Stormwater Pollution Prevention Plan (SWPPP) must be developed which conforms to requirements of the General Permit. Authorization for coverage under this SPDES General Permit is not granted until the Department issues all other necessary DEC permits.

As the site is within a Municipal Separate Storm Sewer System (MS4) community, the SWPPP must be reviewed and accepted by the municipality, and the MS4 Acceptance Form submitted with the SWPPP and the application for coverage, in accordance with the application instructions.

COASTAL MANAGEMENT ZONE, LOCAL WATERFRONT REVITALIZATION PLAN

The project site is located within the Coastal Management Zone. If the Department had individual permit approvals for this project, the Department would review it in accordance with Coastal Management Program requirements. For additional information about the Coastal Management Zone, please contact the NYS Department of State, 518-474-6000.

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 located within an area considered to be sensitive with regard to archaeological resources.

The project area you identified is located adjacent to the “Old Croton Aqueduct”, listed on the National Register of Historic Places. If any DEC permits are required, a determination of impact from the State Historic Preservation Office (SHPO) will be required.

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

OTHER

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. More information about DEC permits may be found at our website, www.dec.ny.gov, under “Regulatory” then “Permits and Licenses.” Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

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Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,



Chris Lang
Division of Environmental Permits
Region 3, Telephone No. (845) 256-3096

ecc: NYS Dept. of State Coastal Consistency Unit