



**Environmental  
Protection**

**Carter H. Strickland, Jr.**  
**Commissioner**

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November 12, 2013

Ms. Michele Stancati, Town Clerk  
Town of Southeast Town Board  
1360 Route 22  
Brewster, NY 10509

**Re: Crossroads 312 - DEIS  
Route 312  
Town of Southeast, Putnam County  
Tax map#: 45.-2-55, 45.-2-56, 45.-2-52, 45.-2-53 & 45.-2-54  
DEP Log #:2009-DI-0585-SQ.1**

Dear Ms. Stancati and Members of the Town Board:

The New York City Environmental Protection (DEP) has reviewed the following documents for the above captioned project: 1) DEIS, accepted August 22, 2013, prepared by LADA, P.C., and 2) site plans prepared by LADA, P.C., last revised October 1, 2013.

Based upon the review of the documents received, DEP has a number of concerns about potential water quality impacts resulting from the project. DEP is concerned about the project's potential for turbidity and increased pollutant loading, particularly phosphorous, into Diverting Reservoir, disturbance of steep slopes, degradation of wetlands and downstream channels, and lack of "green infrastructure" practices. Further, there is an overall lack of information regarding mitigation of stormwater impacts, land clearing and grading, construction sequencing and various other concerns detailed below. This information should be provided either in a revised DEIS or in a supplemental EIS.

DEP respectfully submits the following for the Board's consideration:

**Executive Summary**

Page ES-8 states that the applicant will seek a waiver from NYSDEC regulations for the size of construction disturbance at any one time. Efforts must be made to satisfy the New York State Department of Environmental Conservation rule that "...construction activity shall not disturb greater than five (5) acres of soil at any one time." The purpose of this rule is to minimize the potential for erosion and sedimentation by reducing the time period wherein large areas of disturbed soils may remain inactive. As such, a preliminary construction sequence with phasing must be submitted for review to assess whether the phasing is manageable and efficient.

## **Chapter 1.C Approvals Required**

Required permits are summarized on pages 1-8 and 1-9 of the DEIS; however, DEP approval authority for the sewer extension was not included. DEP has approval authority for the collection system and pump stations that will be necessary to connect this project to the Terravaest Wastewater Treatment Plant (WWTP). As such, this section must be revised to include DEP approval of the sewer extension.

## **Chapter 9 Water Resources and Wetlands**

The impacts to Diverting Reservoir that may result from post-development pollutant loads, especially with regards to phosphorus, must be considered in the DEIS and mitigation of those impacts must be provided. As you are aware, the proposed action is in the drainage basin of the Diverting Reservoir, which is part of the New York City Water Supply. Diverting Reservoir is eutrophic, with phosphorus being the known limiting nutrient and is considered a phosphorus restricted basin. Diverting Reservoir currently does not comply with New York State (NYS) water quality guidelines for phosphorus and, in order to reduce phosphorus concentrations, a Total Maximum Daily Load (TMDL) was established as a quantitative regulatory program intended to reduce phosphorus inputs to Diverting Reservoir. DEP is concerned that increases in phosphorus loading from the proposed action will have the potential to accelerate the degradation of water quality in Diverting Reservoir. Furthermore, any increases in phosphorus loads exported from the site could impact the Town's ability to meet NYS-mandated phosphorus reductions. As such, a pre- and post-development stormwater runoff pollutant loading analysis should be prepared to evaluate the pollutant loading impact created by the proposed development.

## **Chapter 10.B Stormwater**

In general, the Stormwater discussion does not include enough information to demonstrate that the proposed action has the ability to meet regulatory stormwater compliance requirements. In addition, the type of stormwater management practices that are proposed must be identified and demonstrate compliance with the New York State Stormwater Management Design Manual. Moreover, DEP has not witnessed soil testing in the areas proposed for stormwater management basins. Without this information, DEP is unable to evaluate whether the proposed practices are adequate to mitigate or eliminate potential water quality impacts associated with the proposed development.

A preliminary Stormwater Pollution Prevention Plan (SWPPP) must be prepared and included as an appendix in a revised DEIS. The following information must be included as part of the preliminary SWPPP:

- Stormwater quantitative calculations analysis for Channel Protection, Overbank Flood and Extreme Storm in compliance with the New York State Unified Stormwater Sizing Criteria;

- Note that drainage areas that are 20% or more impervious require two different standard stormwater management practices in series pursuant to Section 18-39(c)(6) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulation).
- Soil testing must be witnessed by DEP in the area of the proposed stormwater basins to determine feasibility based on soils and topography of the proposed locations. The applicant's engineer may contact Jean marc Roche at (914) 773-4464 to schedule soil testing.
- The project sponsor must show and list all of the proposed Green Infrastructure practices for the project intended to reduce post-development runoff volumes.
- The SWPPP must include preliminary design calculations demonstrating the feasibility of the proposed practices to manage the entire Water Quality Volume (WQv) generated by the development. The Five Step Process for Stormwater Site Planning and Practice Selection illustrated in section 3.6 of New York State Stormwater Management Design Manual should be followed and demonstrated in the revised appendix.
- The work associated with the road widening, water and sewer extensions and all other related utility work are components of the project and must be considered in the SWPPP. As such, a plan for the proposed road widening should be provided to verify that there are no proposed impervious surfaces within any applicable restricted limiting distance to a watercourse or state wetland.
- Furthermore, DEP recommends a pre-application meeting with the project sponsor to discuss the current proposal and SWPPP requirements. The project sponsor may contact Jean Marc Roche to schedule the meeting.

## **Chapter 16 Alternatives**

A significant amount of cut and fill in addition to three (3) massive retaining walls are being proposed. The project sponsor should consider alternative landscape architectural plans that work with the site's contours and are less intrusive to the land while balancing the needs of the proposed development.

The DEIS does not address and mitigate the potential impacts to water quality as a result of the significant increase in impervious surfaces and change in land use. Due to the extent of exceedingly steep slopes on the subject parcels and the adjacent State regulated wetland that feeds into New York City's Water Supply, DEP recommends that the developer explore alternative designs to reduce the project's footprint and area of disturbance that better fit the site topography in order to reduce the potential environmental impacts.

Thank you for the opportunity to provide comments. You may reach me at [cgarcia@dep.nyc.gov](mailto:cgarcia@dep.nyc.gov) or (914) 773-4455 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia  
SEQRA Coordination Section

xc: D. Whitehead, NYSDEC-Region 3  
M. Budzinski, P.E., PCDOH  
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T. Hahn, LADA, P.C.