

# 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

September 19, 2017

CBRE, Inc  
Attn: Chris Bond  
4 West Red Oak Lane  
White Plains NY 10604

**RE: Nelsonville Telecommunications Facility  
Permit Jurisdiction Determination  
Village of Nelsonville, Putnam County  
CH#: 7237**

Dear Mr. Bond:

The New York State Department of Environmental Conservation (DEC or Department) has reviewed the submitted materials regarding the above referenced project. Homeland Towers, LLC is proposing to construct a telecommunications facility at 15 Rockledge Road in the Village of Nelsonville, Town of Philipstown, Putnam County. The proposal includes the construction of a 131 foot monopine tower, and the installation of ancillary equipment at ground level within a 3,250 square foot compound. The compound is proposed to be fenced in, with access provided by a 12 foot wide gravel access road connecting to Rockledge Road, and electric and fiber utilities are proposed to be routed underneath the proposed access road and connect to an existing utility pole on Rockledge Road.

Based upon our review of your inquiry received August 16, 2017, we offer the following comments:

## **PROTECTION OF WATERS**

There are no waterbodies that appear on our regulatory maps at the identified project location. 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, Foundry Brook, Class C(T), and a Protection of Waters permit is required. 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 is not required.

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.



-OVER PLEASE -

## FRESHWATER WETLANDS

The indicated 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 (Westchester/Rockland Counties), or (917) 790-8411 (other counties), 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 known occurrences of the following state-listed species: Bald eagle, *Haliaeetus leucocephalus* (threatened) and Northern long-eared bat, *Myotis septentrionalis* (threatened).

The proposed project site is located greater than 0.5 miles from a Bald eagle non-breeding location. Due to the scope and nature of this project, and its proximity to Bald eagle non-breeding habitat, the Department does not anticipate direct adverse impacts to this species, and no further review is required.

According to the provided information, all tree removal is proposed to take place between October 31 and March 31. Please note that all tree removal must take place between **November 1 and March 31** in order to avoid direct adverse impacts to the Northern long-eared bat. Please add the corrected time of year restriction on tree removal to the plan notes. If the aforementioned time of year restriction cannot be implemented, additional information and further review will be required. Please contact the Department if tree cutting cannot be completed during the appropriate time of year.

For technical questions regarding the aforementioned species, please contact Tim Watson of Wildlife at (845) 255-4659.

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

## WATER QUALITY CERTIFICATION

Please be aware that the ACOE may require a permit for work completed in or impacting a federal wetland. If a permit from the ACOE is required, a Section 401 Water Quality Certification may be required from the Department. Please contact the ACOE for a determination.

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

## **COASTAL MANAGEMENT ZONE**

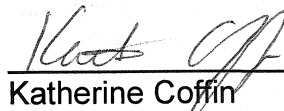
This project is located within the Coastal Management Zone and in a Scenic Area of Statewide Significance (Hudson Highlands). If the Department had individual permit approvals for this project, the Department would review it in accordance with Coastal Management Program requirements, and for visual impacts. For additional information about the Coastal Management Zone, please contact the NYS Department of State, 518-474-6000. For additional information on Scenic Areas of Statewide Significance, please see the following link: <https://www.dos.ny.gov/opd/programs/consistency/scenicass.html>.

## **OTHER**

Please note that this letter only addresses the requirements for the following permits from the Department: Protection of Waters, State-listed Species, and Freshwater Wetlands. 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. Applications may be downloaded from our website at [www.dec.ny.gov](http://www.dec.ny.gov) under "Programs" then "Division of Environmental Permits."

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

Sincerely,



---

Katherine Coffin  
Division of Environmental Permits  
Region 3, Telephone No. (845) 256-3158

Cc: Lisa Masi, R3 DEC  
Tim Watson, R3 DEC

Office of Planning and Development  
New York Department of State  
Suite 1010  
1 Commerce Place, 99 Washington Avenue  
Albany, NY 12231-0001  
[opd@dos.ny.gov](mailto:opd@dos.ny.gov)

Village of Nelsonville  
258 Main Street  
Nelsonville, NY 10513  
[nelsonville@optonline.net](mailto:nelsonville@optonline.net)

**NOTE: Regarding erosion/sedimentation control requirements:**

Stormwater discharges require a State Pollutant Discharge Elimination System (SPDES) Stormwater permit from this Department if they either:

- occur at industrial facilities and contain either toxic contaminants or priority pollutants OR
- result from construction projects involving the disturbance of 5000 square feet or more of land within the NYC Department of Environmental Protection East of Hudson Watershed or for proposed disturbance of 1 acre or more of land outside the NYC DEP Watershed

Your project may be covered by one of two Statewide General Permits or may require an individual permit. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.

For construction permits, if this site is within an MS4 area (Municipal Separate Storm Sewer System), the stormwater plan must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to the Department. If the site is not within an MS4 area and other DEC permits are required, please contact the regional Division of Environmental Permits.