

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Division of Environmental Permits, Region 3  
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**Department of  
Environmental  
Conservation**

January 29, 2024

**VIA EMAIL**

Town of Yorktown Town Board  
Diana L. Quast  
Town Clerk  
[dquast@yorktownny.org](mailto:dquast@yorktownny.org)

Re: URVINA PROPERTY  
Town of Yorktown, Westchester County  
DEC ID: 3-5554-00372/00001  
**SEQR Lead Agency Response**

Dear Town of Yorktown Town Board,

The Department of Environmental Conservation (DEC or Department) received your State Environmental Quality Review Act (SEQR) Lead Agency Coordination on December 19<sup>th</sup>, 2023. The proposal involves the construction of a deck and shrub planting at an already existing residence. The project site is located at 3167 Lincoln Drive in Mohegan Lake. The Department has no objection to the Town of Yorktown Town Board serving as lead agency for this project. Based on our review of the submitted materials, including the EAF and associated site plans, we offer the following comments:

**PROTECTION OF WATERS STREAM DISTURBANCE**

There are no waterbodies that appear on our regulatory maps at the location 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 or may not 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 near or in Freshwater Wetland A-8, (Class II). Mapped boundaries are approximate and a delineation and validation by DEC staff is required to determine the final boundary. Be aware that a Freshwater Wetlands permit is required for any physical



disturbance within these boundaries or within the 100-foot adjacent area. To have the boundary delineated, please submit the attached wetland delineation request form to Sarah Pawliczak of the Bureau of Ecosystem Health at [sarah.pawliczak@dec.ny.gov](mailto:sarah.pawliczak@dec.ny.gov) or (845)256-3050.

### **WATER QUALITY CERTIFICATION**

If the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for the discharge to fill in Waters of the U.S., then a Section 401 Water Quality Certification (WQC) will be required. Issuance of these certifications is delegated in New York State to DEC. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under a DEC Blanket WQC. Coverage under a Blanket requires compliance with all conditions for the corresponding Nationwide Permit. For more information and to view the DEC Blanket WQCs, please visit <https://www.dec.ny.gov/permits/6546.html>. A determination on Corps jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional determination.

### **STATE-LISTED SPECIES**

DEC has reviewed the State's Natural Heritage records. No records of sensitive resources were identified by this review.

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) STORMWATER**

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-0-20-001), 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.

### **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.

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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](http://www.dec.ny.gov), under "Regulatory" then "Permits and Licenses." Application forms may be downloaded at <http://www.dec.ny.gov/permits/6081.html>.

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

Sincerely,

Glennys Romero Medina  
Division of Environmental Permits  
Region 3, Telephone No. (845)256-2250  
[Glennys.RomeroMedina@dec.ny.gov](mailto:Glennys.RomeroMedina@dec.ny.gov)

Enclosure: Wetland Delineation Request Form

ecc: Sarah Pawliczak, NYSDEC Bureau of Ecosystem Health  
Brian Orzel, USACOE  
Odalis Urvina, Applicant  
Gabrielle Salman Architect PC, Project Contact