Long EAF
Part 3
Environmental Narrative

Capitol Hill Multi Family
Site Plan

Merriewold Lane
Village of South Blooming Grove
Orange County, New York
SBL # 207-1-1.22

Lead Agency:

Village of South Blooming Grove Planning Board

811 NYS Route 208, Monroe, NY 10950

(845) 782-2600 | clerk@vosbg.com

Prepared October 21, 2024

This document is prepared as an analysis and discussion of items deemed potentially large impact on the Capital Hill Multi Family Long EAF Part 2.

Contents

List of Attachments

Part 2 EAF Section 1. Impact on Land

e. The proposed action may involve construction that continues for more than one year or in multiple phases.

The construction of the Project's infrastructure and residential structures will continue for more than one year. The project is proposed to be completed in phases. Phasing is required for the project to conform to the maximum area of disturbance allowed at any one time under the stormwater SPDES General Permit for Construction Activities. Phasing of the project results in lower impacts to the land at any one time.

f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).

Physical disturbance to the project site will occur during construction of the infrastructure and residential structures. The Project will comply with its SWPPP and follow site specific erosion and sediment control measures to ensure that there will be no significant adverse impacts from erosion. A copy of the project's SWPPP will be kept at the site during all construction activities. Any contractor involved in site-disturbing activities must sign a Contractor Certification Statement attesting to their familiarity with the requirements of the SWPPP. Inspections of the site will be conducted weekly by a qualified inspector with additional inspections done periodically by the village engineer and, occasionally, by NYSDEC staff. Conformance with the Project's erosion and sediment control plan will substantially mitigate potential impacts caused by the removal of vegetation and potential erosion caused by construction. Upon completion of the proposed improvements, any areas of the site that were disturbed and that are not covered by hardscapes such as buildings, roads, and sidewalks, will be revegetated with grass, trees, or decorative landscaping. The project is not expected to use herbicides or pesticides.

Part 2 EAF Section 3. Impacts on Surface Waters

e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.

The Project does have the potential to create turbidity in surface waters due to upland erosion associated with construction activity. An erosion and sediment control plan has been prepared to minimize this potential impact and the Project will be regularly inspected to ensure compliance with the plan. Any defects noted must be corrected within 24 hours. There is no anticipated turbidity associated with disturbing bottom sediments.

h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.

To mitigate soil erosion or create a source of stormwater discharge that may lead to siltation or other degradation of receiving waters, the Project will comply with its SWPPP and follow site specific erosion and sediment control measures. These measures include the installation of silt fence, diversion swales, sediment traps, check dams, stabilized construction entrances among other measures. Having redundant layers of erosion control will help to ensure that there will be no significant adverse impacts to water bodies. Additionally, the placement of the development area results in undisturbed areas lying between the development area and downstream receiving waters. These areas will act as undisturbed vegetative buffers to surface water features. A copy of the project's SWPPP will be kept on the site and the development will be inspected weekly for compliance. Upon completion of the project, all disturbed areas will be stabilized and runoff from impervious areas will be directed toward multiple water quality treatment devices. After treatment, stormwater will continue its natural course of drainage. The rates of stormwater runoff will be kept at or below pre-developed levels for the 1-year, 10-year, and 100-year storm events. The attenuation of these storms to pre-developed levels will minimize the potential for downstream erosion in the post-developed condition.

k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.

The Village of South Blooming Grove is a contract user that discharges sanitary sewer into the Harriman Wastewater Treatment Plant. The Village currently has an allowable discharge of 490,000 gallons per day ("gpd"). The 12-month average remaining capacity for the Village ending August 2024, the latest date for which data has been made available, is 103,429 gpd. A copy of the latest discharge data provided by the County is included as Attachment 1. The Capital Hill Multi Family project is computed to result in a daily discharge of 26,730 gpd. The project lies within this Village of South Blooming Grove and is therefore eligible for discharge into the Village's system subject to agreement by the Village Board. The Project will install a new gravity sewer collection system to collect sanitary sewer from the proposed residential structures and discharge it into the existing gravity sewer in Merriewold Lane. Two of the structures will have individual pump systems to convey sanitary sewer from the building to the gravity sewer due to elevation constraints.

Part 2 EAF Section 4. Impact on Groundwater

a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.

The Village of South Blooming Grove is currently in a chronic water shortage. As a result the Village requires that all new development of larger parcels of land conduct groundwater investigations of their property in an effort to find supplemental sources of water. A

groundwater investigation for the Capital Hill property was prepared by WSP Engineering to include drilling test wells in multiple potential high yield locations on the property. One of the wells drilled was found to be a very high yielding bedrock well with the preliminary results of a 72-hour pumping test program revealing a yield in excess of 350 gallons per minute, or 504,000 gallons per day, more than the entire current demand of the Village of South Blooming Grove. The water demand for the Capital Hill Multi Family project is computed to be 26,730 gpd based on 117 three bedroom dwelling units having a demand of 110 gpd/bdrm. The applicant intends to make the water from the onsite well available for supplementation to the existing Village system.

b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer.

The well located on the subject parcel is intended to supplement the Village water system. In doing so an Article 11 Water Withdrawal Permit from the NYSDEC will need to be approved prior to being placed into service. Associated water system improvements will also require approval from the Orange County Department of Health. These agencies will confirm the capacity of the on-site well and set limitations on the permitted yield thereby ensuring that the rate of withdrawal does not exceed the safe and sustainable capacity of the local supply or aquifer.

Part 2 EAF Section 7. Impact on Plants and Animals

The Project's construction will result in the loss of habitat and displacement of animal species that currently reside on the site. A loss of plants will occur due to the conversion of natural areas into structures, roads or other hardscapes. A biological site assessment was conducted by North Country Ecological Services and is included as Attachment 2. The assessment concludes that the project will not result in a significant adverse impact on endangered or threatened flora and fauna.

Part 2 EAF Section 10. Impact on Historical and Archeological Resources

b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.

The project has been checked against the Cultural Resource Information System database. The area of proposed improvements does not lie within the area of an archaeologically sensitive area. A copy of the CRIS database map is included as Attachment 3.

Part 2 EAF Section 14. Impact on Energy

d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.

The Project will involve the heating and cooling of more than 100,000 square feet of building area upon completion in the form of residential spaces. All building envelopes will be constructed to current New York State energy codes and will comply with the heat loss and energy consumption requirements found therein.

Part 2 EAF Section 15. Impact on Noise, Odor, and Light

e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.

The Project will have street lights and building-mounted lights to provide safe illumination of sidewalks and walkways. Street lights will have mounting heights not to exceed twenty feet and will be dark sky compliant with sharp cutoff shields which will eliminate fugitive light and direct the illumination downward. Peak light levels will not exceed two foot-candles in the illuminated spaces with an average light level of approximately one foot-candle. Lighting fixtures will be LED-type fixtures using a warm color temperature of less than 3000 Kelvin to avoid the stark lighting impacts associated with cooler lighting temperatures.

Part 2 EAF Section 17. Consistency with Community Plans

a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).

The project proposes multifamily residential development permitted by current Zoning. The property is currently Zoned RR and RC-1 with the latter allowing a density of one dwelling unit per 3,000 SF of lot area, or approximately 14.5 dwelling units per acre. While the density proposed by the Project is greater than the density in the immediate vicinity of the Project Site, it will not be much different from, or in sharp contrast to, general land use patterns within the overall Village of South Blooming Grove including the multifamily residential development located on Tanager Road approximately 0.75 miles to the west.

Part 2 EAF Section 18. Consistency with Community Character

b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)

The Capital Hill Multi Family project will create a demand for additional community services such as police, fire, and ambulance services. The property taxes generated as a result of the Project will help to offset the increase in demand for these services. Additionally, Project residents could serve as volunteers to serve the Village with such services.

f. Proposed action is inconsistent with the character of the existing natural landscape.

Please refer to 9.a. and 17.a. above.

Attachment 1

Orange County Sewer District
August 2024 Flow Data

INTER-OFFICE MEMORANDUM

ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS –

DIVISION OF ENVIRONMENTAL FACILITIES AND SERVICES

TO: Robert J. Gray, P.E., Deputy Commissioner

FROM: Anthony R. Griffin, P.E.

DATE: September 11, 2024

SUBJECT: Harriman Sewage Treatment Plant Monthly Flow Report

Mr. Gray:

Please find enclosed the Existing Flow into the Harriman Sewage Treatment Plant report for May 2024 (revised) through August 2024 for your information and use.

If you have any questions or comments, please do not hesitate to contact me.

Encl.

ecc: Steven M. Neuhaus, County Executive
Richard Golden, County Attorney
Erik Denega, P.E., P.M.P., Commissioner
Katie Bonelli, Chairman of Legislature & 5th Leg. Dist.
Barry J. Cheney, Chairman of Physical Services Committee
Michael Amo, 1st Legislative District
Peter Tuohy, 7th Legislative District
Glenn Ehlers, 10th Legislative District
Laurie R. Tautel, 14th Legislative District
Genesis Ramos, 6th Legislative District
Leigh J. Benton, 16th Legislative District
Joseph Mahoney, Senior Assistant County Attorney
Hue Joe Fung, NYSDEC
Anthony Cardone, Supervisor, Town of Monroe
Neil S. Dwyer, Mayor, Village of Monroe
Gedalye Szegedin, Administrator, Village of Kiryas Joel
Lou Medina, Mayor, Village of Harriman
Andrew Giacomazza, Mayor, Village of Woodbury
George Kalaj, Mayor, Village of South Blooming Grove
Christopher Battiato, Mayor, Village of Chester
Brandon Holdridge, Supervisor, Town of Chester
Brian Smith, Administrator, MBJOMC
Jim Justvig, Chief Plant Operator, CAMO Pollution Control, Inc.
Michael P. Tremper, CAMO Pollution Control, Inc.
Manju Cherian, P.E., NYSDEC
File

ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS -
DIVISION OF ENVIRONMENTAL FACILITIES AND SERVICES
EXISTING FLOW INTO THE 6.0 MGD
HARRIMAN SEWAGE TREATMENT PLANT
REPORT DATE OF August 31, 2024

	2023 SEP	OCT	NOV	DEC	2024 JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	Total	12 MONTH AVG. ENDING 31-Aug-24	PRESENT LIMIT	REMAINING AVAILABLE BALANCE
RAIN IN INCHES	13.47	4.38	2.53	10.08	8.03	1.80	7.44	4.91	3.03	3.62	3.28	6.09	68.66			
VILLAGE OF CHESTER	652,210	409,569	373,413	566,042	534,278	385,739	504,783	485,889	406,925	406,389	417,254	388,902		460,949	347,000	(113,949)
TOWN OF CHESTER	400,705	323,922	301,574	436,643	419,401	291,942	404,172	395,558	280,686	255,544	229,512	246,133		332,149	410,000	77,851
TOWN OF MONROE	230,802	209,675	204,292	229,234	311,584	179,013	298,016	188,513	89,151	133,705	178,541	315,201		213,977	133,000	(80,977)
V. OF S. BLOOMING GROVE	450,900	359,939	315,467	498,681	454,616	352,479	484,390	465,500	323,745	293,167	301,132	338,842		386,572	490,000	103,429
VILLAGE OF WOODBURY	1,373,198	1,092,952	962,033	1,608,525	1,632,404	1,138,929	1,510,381	1,455,795	1,025,748	950,570	885,323	967,499		1,216,946	1,030,000	(186,946)
MOODNA TOTAL	3,107,815	2,396,057	2,156,779	3,339,125	3,352,283	2,348,102	3,201,742	2,991,255	2,126,255	2,039,375	2,011,762	2,256,577		2,610,594	2,410,000	(200,594)
OCSD#1	4,219,185	3,363,943	2,913,221	4,263,875	4,002,717	2,683,898	3,691,258	3,515,745	2,764,745	2,368,625	2,402,238	2,658,423		3,237,323	3,590,000	352,677
HSTP TOTAL	7,327,000	5,760,000	5,070,000	7,603,000	7,355,000	5,032,000	6,893,000	6,507,000	4,891,000	4,408,000	4,414,000	4,915,000		5,847,917	6,000,000	152,083

Village of South Blooming Grove = Village of South Blooming Grove PS + Unmetered Service Area (40,100 gpd).
Village of Woodbury = FMS-01 V-Woodbury Flow Meter located MH L1-6 + Umetered at 660 gpd (2 SFH Units at 330 gpd/Unit).
Town of Chester = Surry Meadows PS + Walton Lake Estates PS + Lake Hill Farms PS + King Tract PS + Sugar Loaf PS#1 + Unmetered Oxford Heights Service Area (41 Units @ 400 gpd/unit = 16,400 gpd).
Village of Chester = 3A PS - Surry Meadows PS - Sugar Loaf PS#1 - Unmetered Oxford Heights Service Area (41 Units @ 400 gpd/unit = 16,400 gpd) + V-Chester Water Plant Backwash Water.
Town of Monroe = Meter FMS-03 (MBJOMC Meter @ MH R47) - (LHF PS + WL PS + KT PS + V-C Water Plant BWW) + T-M Unmetered 33 Units @ 400 gpd/Unit = 13,200 gpd (Based on Cromwell Hill Road for 9 Units and Seven Oaks Road for 24 Units).
Village of Woodbury - 30,400 GPD of treatment capacity leased by Village of Woodbury from OCSD#1's allocation shown.

Attachment 2

Rare, Threatened and
Endangered Species Study

NORTH COUNTRY
ECOLOGICAL SERVICES, INC.

October 11, 2024

Shaya Yaakov Feferkorn, Operations Manager
Brightview Developers
PO Box 1116
Monroe, NY 10949

Re: Threatened & Endangered Species Review
Capital Hill (S.B.L.: 207-1-1.22)
Town of Monroe, Orange County, New York

Dear Mr. Feferkorn:

Pursuant to your request, North Country Ecological Services, Inc. (NCES) completed an ecological assessment of the above-referenced property in search of habitats conducive to endangered, threatened, and/or rare (ETR) species. The New York State Department of Environmental Conservation (DEC) Natural Heritage Office (NHO) and the U.S. Fish and Wildlife Service (USFWS) were consulted by NCES for species and community types of concern.

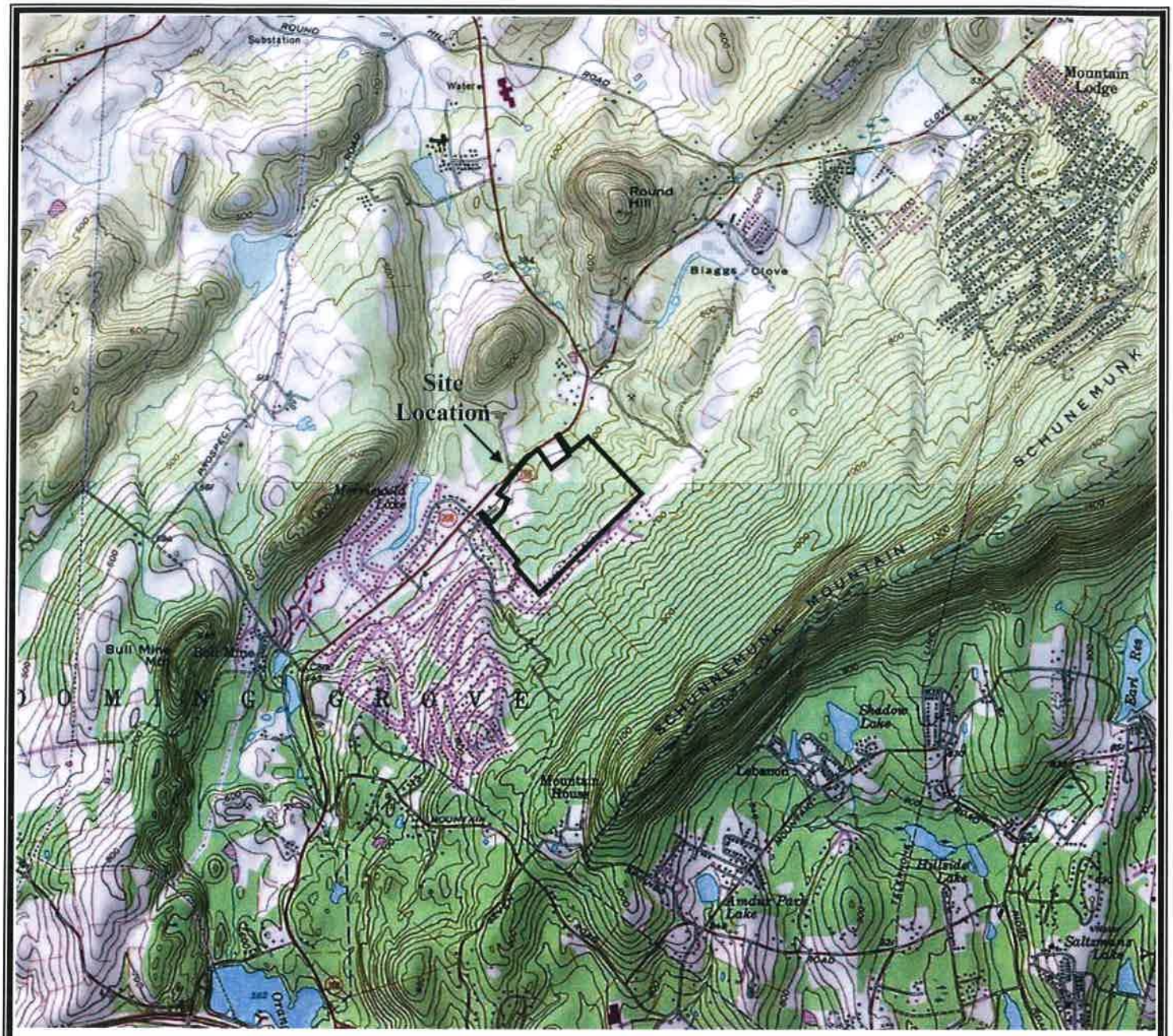
Site Location & Description

The subject property encompasses approximately 82.6 acres located within the Town of Monroe, Orange County, New York (the "Site). The Site is located along the southern side of New York State Route 208 (NY-208), directly southeast from the intersection of NY-208 and Merriewold Lane South (Figure 1). The centralized coordinates of the Site are 41° 22' 23.07" Latitude, 74° 10' 33.89" Longitude (41.374 N, -74.176 W).

The entirety of the Site was forested land before it was clear cut in March of 2024. The Site contains cleared open land, comprised of both uplands, and stream channels. The land surrounding the Site consists of residential and commercial development, and undeveloped forested areas. Photographs documenting the existing conditions, taken during the field assessment, are attached.

Based on the definitions presented in the Ecological Communities of New York State (Edinger, 2002) and Classification of Wetlands and Deepwater Habitats of the United States (Cowardin, 1979), the following ecological communities have been identified on the Site:

- Mowed lawn with trees (Edinger)
- Brushy cleared land (Edinger)
- Intermittent stream (Cowardin)



Base Map: USGS Monroe & Maybrook 7.5' Quadrangle, Orange County, N.Y. Scale: 1: 36,112

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FIGURE 1 – Site Location Map

The approximate location and configuration of the ecological community types identified on the Site are shown on the Vegetative Cover Types graphic (Figure 2).

Vegetation

During the delineation, a total of three (3) different ecological communities were identified. The ecological communities included: Mowed lawn with trees, Brushy cleared land, and Intermittent stream. Each of these ecological communities possess different and distinct species of plants that assist in defining them. The dominant species of vegetation observed by NCES within each ecological community are identified below:

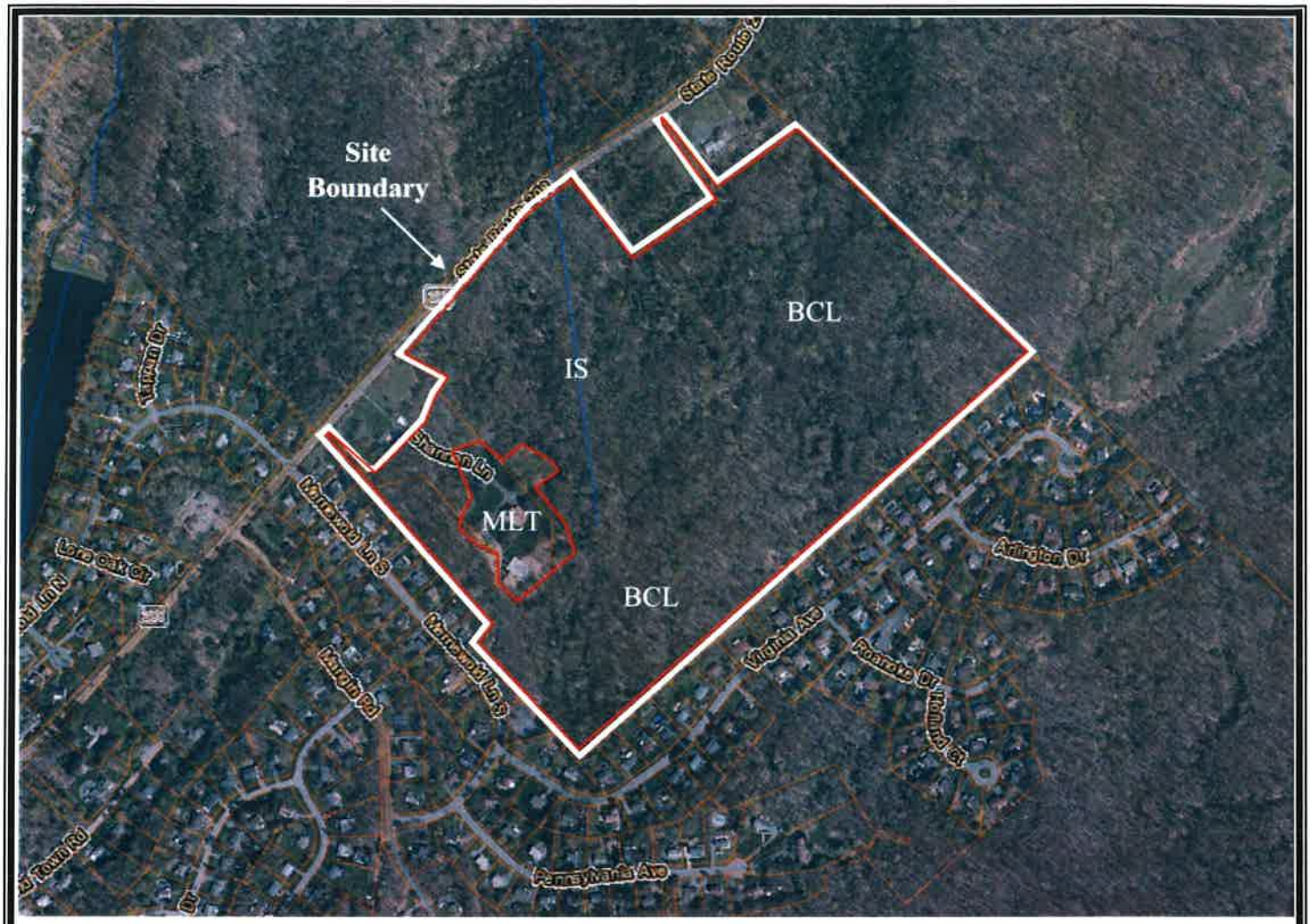
The dominant species of vegetation documented within the Mowed lawn with trees ecological community included, but are not limited to: red maple (*Acer rubrum*), sugar maple (*Acer saccharum*), common dandelion (Taraxacum officinale), and red clover (*Trifolium pratense*).

The dominant species of vegetation documented within the Brushy cleared land ecological community included, but are not limited to: pokeweed (*Phytolacca americana*), common mullein (*Verbascum thapsus*), Japanese barberry (*Berberis thunbergii*), American burnweed (*Erechtites hieraciifolia*), and Pennsylvania smartweed (*Polygonum pensylvanicum*).

Some of the dominant species of vegetation observed alongside the Intermittent stream ecological community included, but are not limited to: soft rush (*Juncus effusus*), Pennsylvania smartweed, cattail (*Typha latifolia*), and jewelweed (Impatiens capensis).

Soils

According to the Orange County Soil Survey from the USDA Natural Resources Conservation Service Web Soil Survey 3.2 (the "Soil Survey"), there are three (3) different soil series that are found within the boundaries of the Site. These soils are: Erie gravelly silt loam, 0 to 3 percent slopes (ErA); Mardin gravelly silt loam (MdB and MdC); and Swartswood and Mardin soils, sloping, very stony (SXC) (Figure 3).



Legend

MLT – Mowed lawn with trees
BCL – Brushy cleared land
IS – Intermittent stream

Base Map: Satellite with labels, Orange County, N.Y.

Scale: None

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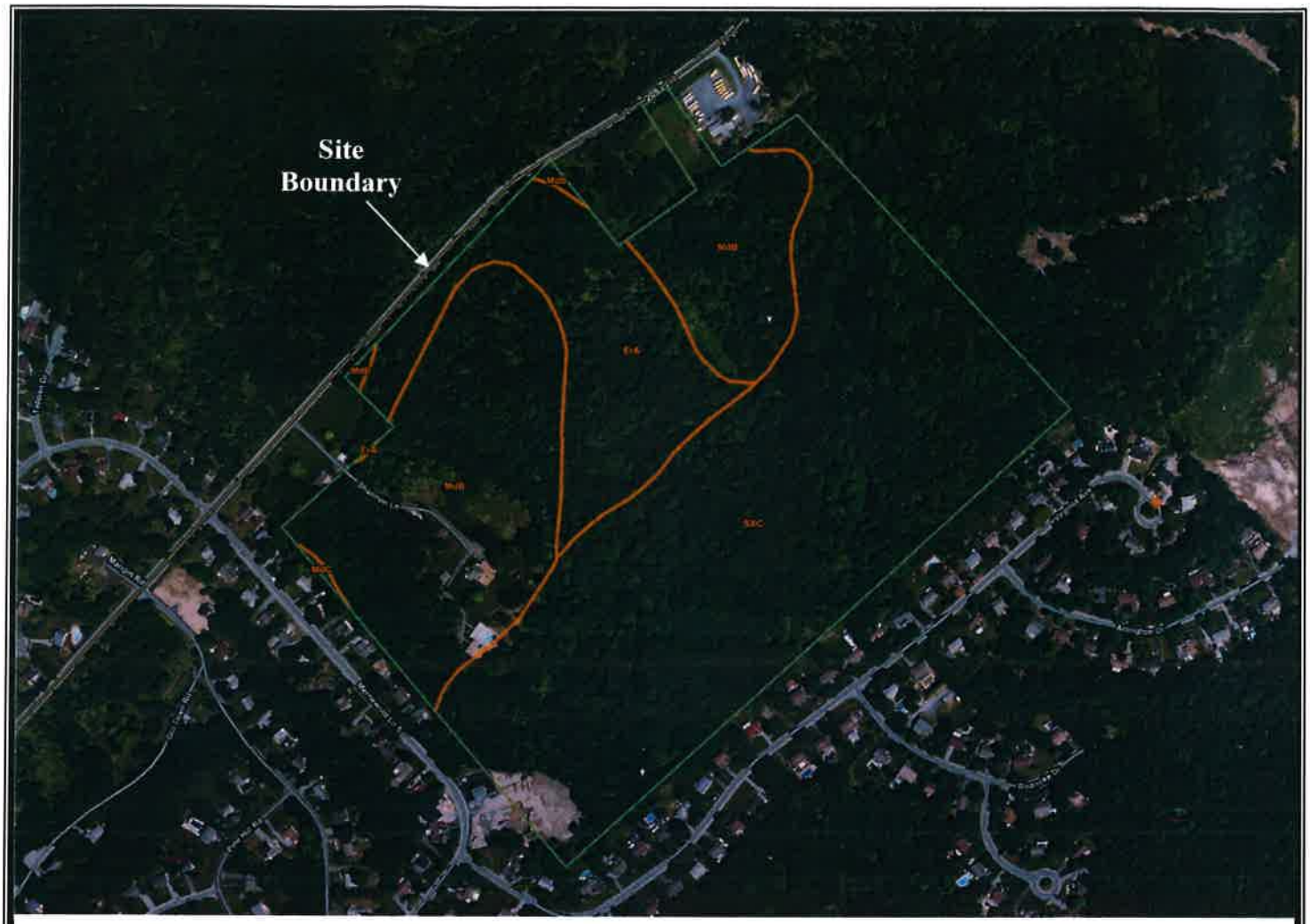
FIGURE 2 – Vegetative Cover Types



USDA Natural Resources Conservation Service

Legend

ErA – Erie gravelly silt loam, 0 to 3 percent slopes
MdB – Mardin gravelly silt loam, 3 to 8 percent slopes
MdC – Mardin gravelly silt loam, 8 to 15 percent slopes
SXC – Swartswood and Mardin soils, sloping, very stony

Base Map: Web Soil Survey 3.2 – Orange County Soil Survey, N.Y. Scale: 1:3,000

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FIGURE 3 – Soil Survey Map

DEC & NWI Mapped Aquatic Resources

The DEC website was reviewed by NCES to obtain information regarding the presence of Article 15 protected streams and/or Article 24 regulated wetlands on, or within 100 feet of the Site. Based on the information obtained from the DEC's Environmental Resource Mapper (ERM), no mapped Article 24 regulated wetlands or Article 15 streams are located within the boundaries of the Site. One DEC mapped Class C stream is located on-site (Figure 4).

NCES reviewed the U.S. Fish and Wildlife Service (USFWS) website to determine if wetlands and/or other aquatic resources identified by the USFWS Aquatic Resource Mapping Program are present on the Site. Based on the information obtained from the National Wetlands Inventory (NWI) Mapper, it was determined that there are no NWI mapped aquatic resources present within the boundaries of the Site (Figure 5).

The DEC regulates state wetlands under Article 24 of the Environmental Conservation Law (ECL), and streams under Article 15 of the ECL. The USACE regulates wetlands and streams pursuant to Section 404 of the Clean Water Act (CWA). Wetlands and streams are included in the definition of Waters of the United States (WOTUS) that are regulated under the CWA.

Threatened and Endangered Species Habitat Assessment

The Endangered & Threatened Species Ecological Review included the following activities:

1) An in-house review of the DEC's NHO and the USFWS I-Pac website. Attached for reference is the response letter issued by the USFWS, dated October 10, 2024, and DEC correspondence.

2) An on-site field review of the existing ecological communities, habitats, and indigenous flora/fauna present to determine the potential presence of endangered, threatened and/or rare species.

NCES contacted the NHO and the USFWS for a list of endangered, threatened, rare, or special concern species on, or within the immediate vicinity, of the Site. At this time, the NHO has not yet issued a response letter, but once issued, all project affiliates will receive a copy of the correspondence. The DEC's Environmental Resource Mapper (ERM) indicates that the property is located within a known radius of state-listed bat species.

The information obtained from the USFWS I-Pac, indicate that there is the potential presence for the Indiana Bat (*Myotis sodalis*), Northern Long-eared Bat (*Myotis septentrionalis*), Tricolored Bat (*Perimyotis subflavus*), Monarch Butterfly (*Danaus plexippus*), and Small Whorled Pogonia (*Isotria medeolodies*) to exist within the boundaries of the Site.

Map Layers & Legend

- Classified Water Bodies
- Classified Water Bodies
- State-Regulated Freshwater Wetlands
- Wetland Check-zone

DEC Environmental Resource Mapper – Orange County, N.Y. Scale: None

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FIGURE 4 – DEC Mapped Aquatic Resources

U.S. Fish and Wildlife Service
National Wetlands Inventory

Wetlands
- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

Base Map: USFWS NWI Wetlands Map, Orange County, N.Y. Scale: 1:9,028

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FIGURE 5 – NWI Mapped Aquatic Resources

- Indiana Bat – State and Federally Endangered
- Northern Long-eared Bat – State and Federally Endangered
- Tricolored Bat – State Not Listed, Federally Proposed Endangered
- Monarch Butterfly – Candidate Species
- Small Whorled Pogonia – State Endangered, Federally Threatened

The information obtained from the USFWS does not specifically claim that these species are known to occur within the Site, and no further information documenting existing locations of these species was provided.

The Monarch Butterfly is currently a candidate species only, and it does not receive any legal protections afforded by the Endangered Species Act (ESA). Any potential impact occurring to suitable habitat is not prohibited, restricted, or regulated in any way. Therefore, no further assessments of the Site for the actual presence of Monarch Butterflies are warranted.

On September 9, 2024, NCES traversed the Site to review the existing conditions, identify the vegetative community types, and document the species of flora and fauna. NCES actively searched for endangered, threatened, and/or rare (ETR) species, as well as for habitats that would be deemed conducive to the presence of the above referenced species documented by the DEC and USFWS consultations.

Indiana Bat, Northern Long-eared Bat, and Tricolored Bat Habitat Assessment

The Northern Long-eared, Indiana, and Tricolored Bat are Federally endangered species. The agencies identified that these bat species may occupy the property solely based on the Site's location within a general geographic area where the bats have been previously documented. To conduct the bat habitat assessment, NCES reviewed the Site for trees that exhibit the characteristics of potential summer roosting sites, as well as for suitable foraging habitat. NCES also searched for any caves, mines, or other man-made structures that could be used as roosts, or as an over-wintering hibernaculum. NCES conducted the habitat analysis following the recommended procedures and protocols as outlined in the "*Range-Wide Indiana Bat Survey Guidelines*" provided by the USFWS.

According to the USFWS, suitable, potential summer habitat is characterized as forested communities that possess live and dead trees with, "loose bark, cavities or crevices" as well as within, "...cooler places like caves and mines". These bats have also been reported to be found roosting in, "structures like barns and sheds". Wintering habitat is defined as being within, "caves and mines" that possess, "large passages and entrances; constant temperatures; and high humidity with no air currents". Potential foraging habitat for the Northern Long-eared bat is defined as, "…understory of forested hillsides and ridges". This bat species is also known to glean, "motionless insects from vegetation and water surfaces".

During the field assessment, no standing trees were identified within the boundaries of the Site. The Site underwent a clearcut in March of 2024, during the bats inactive period. No suitable foraging habitat was identified within the Site boundaries, but the surrounding forested land has the potential to have foraging habitat. Foraging habitat is comprised of various habitats that are relatively common within the general geographic region and include the canopy of the forested uplands, over wetland communities, along riparian corridors, edge habitats of fields, and within the adjacent residential and commercially developed properties. Foraging habitat is widespread throughout the area as the bats are not selective as to where they find food.

Small Whorled Pogonia Assessment

Small Whorled Pogonia is a perennial wildflower that possesses 1 or 2 yellowish flowers found on a stem that rises above a whorl of 5 or 6 green leaves (Niering and Olmstead, 1979). This plant is a member of the Orchid family (Britton and Brown, 1970). Small Whorled Pogonia grows to a height of only 4 to 10 inches (Niering and Olmstead, 1979), and is typically found in moist woods flowering from May to July (Newcomb, 1977).

According to information provided by the USFWS website, "Small whorled pogonia can be limited by shade. The species seems to require small light gaps, or canopy breaks, and generally grows in areas with sparse to moderate ground cover." In addition, the USFWS also indicates that the "…orchid typically grows under canopies that are relatively open or near features that create long-persisting breaks in the forest canopy such as a road or a stream. It grows in mixed-deciduous or mixed-deciduous/coniferous forests that are generally in second or third growth successional stages."

During the field assessment, no Small Whorled Pogonia was identified within the boundaries of the Site. While this plant typically blooms in mid-June (Britton and Brown, 1970), the plant possesses a seed stalk and capsule, which are identifiable until seed dispersal in mid-October (Mass, ESP, 1993). Based on the existing conditions observed, the Site does not contain suitable habitat that is associated with the Small Whorled Pogonia. The open, recently cleared, land does not contain any successional fallow fields. The ecological communities present at the Site do not present conditions that are conducive to the existence of the species.

Other Sensitive Species and Habitats

During the review, NCES did not observe any endangered or threatened species on the Site. NCES did not identify any Species of Special Concern, or otherwise considered rare, as identified by the *New York Rare Animal* and/or *New York Rare Plant Lists* that have been established by the DEC. During the review, no ecologically significant or otherwise unique habitats were documented on, or immediately adjacent to, the Site.

Conclusion

During the review, no endangered, threatened, or rare species of flora/fauna were observed. The Site was recently clearcut, and does not contain any mature forested areas that contain loose bark or dead/dying trees with holes preferred by the above referenced bat species for roosting purposes. As stated in the USFWS response for the Indiana Bat, Northern Long-eared Bat, and the Tri-Colored Bat, "No critical habitat has been designated for this species" and "Your location does not overlap critical habitat" for the Indiana Bat. No open water or other aquatic habitats that would provide additional foraging habitat is found on-site. No Small Whorled Pogonia habitat was present based on the clearcut lot and dense forested adjoining land.

The on-site habitats are common within the general geographic region and are bordered by residential and commercial development, and undeveloped forested land. Based on USFWS's assessment and NCES's field assessment, no critical habitat for bat species is found on-site and there would be no significant impact to bat, or other species, due to the development of the subject property.

If you have any questions regarding this evaluation, please do not hesitate to contact NCES at any time.

Sincerely,

North Country Ecological Services, Inc.

Luka Koziol
Assistant Ecologist

Attachments

References

- Cowardin, L.M., V. Carter, F.C. Gocet and E.T. Laroe. December 1979. Classification of Wetlands and Deepwater Habitats of the United States. USFWS Office of Biological Service, FWS/IOBL-79/31.

- Edinger, Gregory. 2014. Ecological Communities of New York State. New York Natural Heritage Program. 96 pgs.

- New York State Department of Environmental Conservation. Environmental Assessment Form. Orange County, New York. https://gisservices.dec.ny.gov/eafmapper/. Accessed on June 12, 2024.

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- U. S. Fish and Wildlife Service. National Wetlands Inventory. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. http://www.fws.gov/wetlands.

Photograph 1) Photo of the gravel drive that provides access into the property.

Photograph 2) View looking southeast towards Virginia Avenue.

Photograph 3) Photo looking northeast.

Photograph 4) Photo looking north.

Photograph 5) Photo showing one of the intermittent streams found on-site.

Photograph 6) Photo taken from the northern portion of the Site.

Photograph 7) Photo showing the northern portions of the property.

Photograph 8) Photo showing the cleared land from atop an upland ridge.

Photograph 9) View looking southwest from the central portion of the property.

Photograph 10) View looking west from the central portions of the property.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish and Wildlife, New York Heritage Program
625 Broadway, Fifth Floor, Albany, NY 12233-4757
Phone: (518) 402-8935 | Fax: (518) 402-8925
www.dec.ny.gov

10/10/2024

The attached report from the Environmental Resource Mapper includes information from the New York Natural Heritage Program database with respect to the location indicated on the map below. This letter, together with the attached report from the Environmental Resource Mapper, is equivalent to, and carries the same validity, as a letter from the New York Natural Heritage Program, including for projects where a Natural Heritage letter is required.

If your location of interest does not fall within an area covered by the Rare Plants and Rare Animals layer or in the Significant Natural Communities layer, then New York Natural Heritage has no records to report in the vicinity of your project site. Submitting a project screening request to NY Natural Heritage is not necessary.

If the attached report lists that your location of interest is in the vicinity of state-listed animals, including state-listed bats, please consult the EAF Mapper to obtain a list of the species involved. (You do not have to be filling out an Environmental Assessment Form in order to use the EAF Mapper). Then consult the appropriate NYSDEC Regional Office for information on any project requirements or permit conditions.

If the attached report lists unlisted animals, rare plants, or significant natural communities, and if you would like more information on these, please submit a project screening request to New York Natural Heritage. For more information, please see the DEC webpage Request Natural Heritage Information for Project Screening.

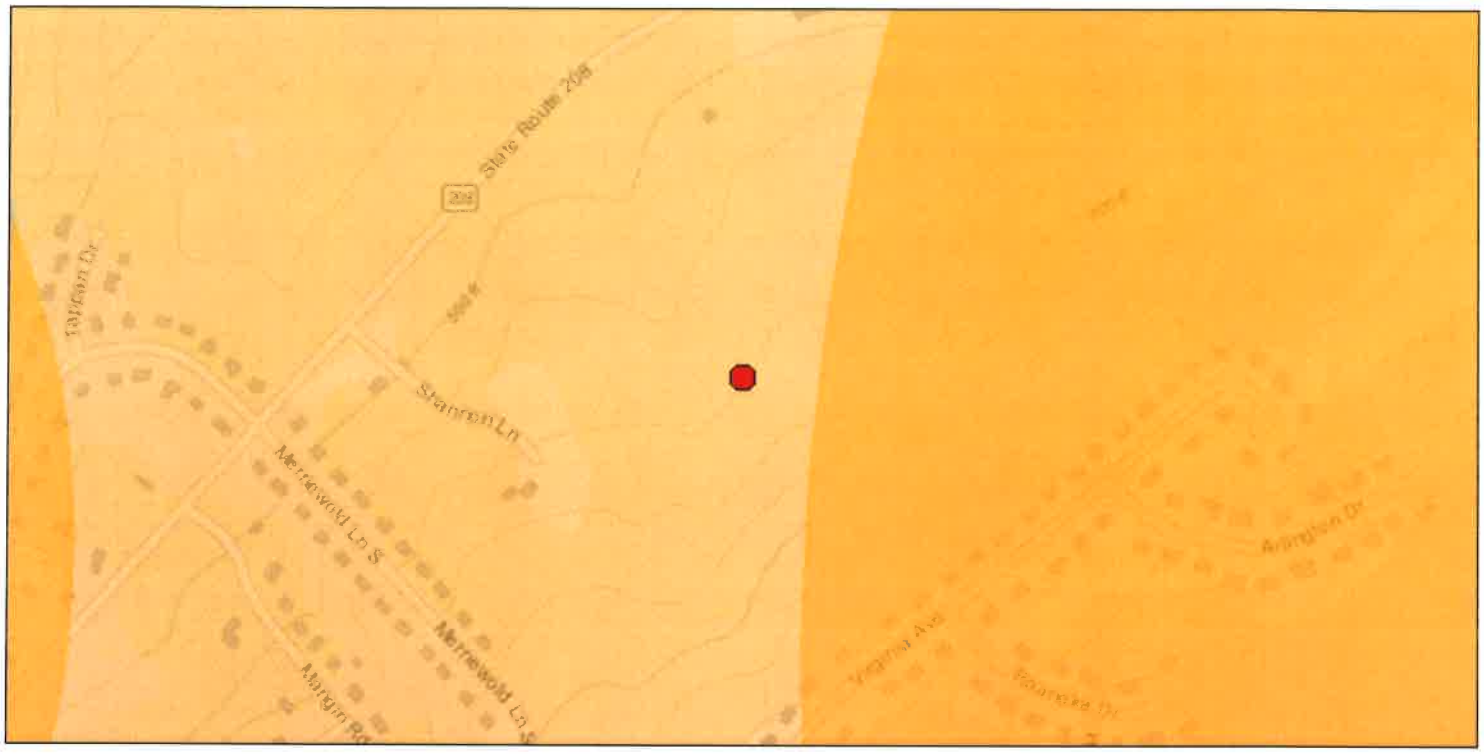
The absence of data does not necessarily mean that rare or state-listed species, significant natural communities, or other significant habitats do not exist on or adjacent to the proposed site. Rather, NYNHP files currently do not contain information that indicates their presence. For most sites, comprehensive field surveys have not been conducted. NYNHP 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 resources may be required to fully assess impacts on biological resources from a proposed project.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities, and other significant habitats maintained in the NYNHP database.

New York Natural Heritage Program

https://www.nynhp.org/.

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18	**Easting:**	568932.487417795	**Northing:**	4580592.870040792
Longitude/Latitude	**Longitude:**	-74.17569515809895	**Latitude:**	41.37391061647234

The approximate address of the point you clicked on is:
South Blooming Grove, New York

County: Orange
Town: Blooming Grove
Village: South Blooming Grove
USGS Quad: MONROE

Rare Plants and Rare Animals

This location is in the vicinity of Bats Listed as Endangered or Threatened -- Contact NYSDEC Regional Office

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

Print Preview

United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
Phone: (607) 753-9334 Fax: (607) 753-9699
Email Address: fw5es_nyfo@fws.gov

In Reply Refer To:
Project Code: 2025-0004257
Project Name: Capital Hill

10/10/2024 13:57:50 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see https://www.fws.gov/program/migratory-bird-permit/what-we-do.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see https://www.fws.gov/library/collections/threats-birds.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit https://www.fws.gov/partner/council-conservation-migratory-birds.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

PROJECT SUMMARY

Project Code: 2025-0004257
Project Name: Capital Hill
Project Type: Residential Construction
Project Description: Project proposes six, 18 unit buildings and one, 9 unit building with associated access roads, utilities and parking, all of which are situated in the south easterly portion of the property. Area of disturbance approximately 9.4 acres.

Project Location:

The approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/@41.373789349999996,-74.17545004312231,14z

Counties: Orange County, New York

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries[1], as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Indiana Bat *Myotis sodalis* There is **final** critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat *Perimyotis subflavus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly *Danaus plexippus* No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

FLOWERING PLANTS

NAME	STATUS
Small Whorled Pogonia *Isotria medeoloides* Population: No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890	Threatened

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency:	North Country Ecological Services, Inc.
Name:	Stephen George
Address:	25 West Fulton Street
Address Line 2:	Suite 3
City:	Gloversville
State:	NY
Zip:	12078
Email	capt.stephen1007@gmail.com
Phone:	5185276175

Attachment 3

Cultural Resource
Information Service Map

Capitol Hill – Multifamily Development

CRIS Archeological Sensitive Buffer Areas Map 08-06-24