



February 19, 2026

Kenneth Kovalchick, AICP
Town of Guilderland Planning Department
Town Hall, Route 20
PO Box 339
Guilderland, NY 12084
Emailed to: kovalchikk@townofguilderland.gov

**Re: Lead Agency Coordination Response
Dutch Mill Acres Planned Unit Development (PUD)**
3633 Carman Road
Town of Guilderland, Albany County

Dear Mr. Kovalchick:

This letter responds to your correspondence of February 10, 2026, regarding lead agency coordination for the project referenced herein, under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 NYCRR Part 617. The New York State Department of Environmental Conservation (DEC) has the following interest in this project:

Description of Action: Proposed Dutch Mill Acres Planned Unit Development (PUD)

The proposed action consists of the construction of 107 units (94 townhouse style units and 13 multi-family units) and approximately 24,000 square feet of commercial space on 16.2 acres.

DEC Contact Person: Trish Gabriel, Deputy Regional Permit Administrator

SEQR Classification: Type I

DEC Position: Based on the information provided, DEC has no objection to your agency assuming lead agency status for this action.

****DEC must be notified immediately if the project/proposed action scope changes, or the Environmental Assessment Form (EAF) is revised.***

Possible DEC Permitting Requirements

A review of NYS protected resources near or within the project site was performed using existing GIS data (see enclosed NYS Resources Map with Project Location). Please note that jurisdictional maps are meant to provide approximate sizes and locations of resources.

Actual field conditions may vary from those depicted on the maps. The following provides a summary of potential State permitting requirements for the project based on the results of the protected resources review and project information submitted with your correspondence.

Freshwater Wetlands Program

Portions of New York State regulated freshwater wetlands and their adjacent areas may be located in the project area. Although some limited activities are exempt from permitting, most activities that involve disturbance within a wetland or its 100-foot adjacent area require an Environmental Conservation Law (ECL) Article 24, Freshwater Wetlands permit from the DEC. Information on regulated activities within freshwater wetlands and adjacent areas is available on DEC's website (see [Regulated Activities](#)), which contains examples of regulated activities and those exempt from wetland permits.

DEC's amended Article 24, Freshwater Wetlands Jurisdiction and Classification regulations (6 NYCRR Part 664) went into effect on January 1, 2025. To determine whether the property contains regulated freshwater wetlands the project sponsor must submit a request for a Parcel Jurisdictional Determination (Parcel JD). A Parcel JD is a determination made by DEC whether a property contains regulated freshwater wetlands or adjacent areas within the parcel boundary.

Based on the information provided, a Jurisdictional Determination Request was submitted, and a Letter of No Jurisdiction was received from the DEC on August 5, 2025. It was determined that there are no DEC regulated freshwater wetlands and/or adjacent areas identified on the parcel referenced above. Therefore, in accordance with Article 24 of the ECL, and 6 NYCRR Part 664, no freshwater wetland permit is required. This determination is valid for a period of five years from the date it was issued (through August 3, 2030).

More information on application procedures and permit issuance standards is available on DEC's website at: <https://dec.ny.gov/regulatory/permits-licenses/waterways-coastlines-wetlands/freshwater-wetlands#Determine>.

Water Quality Certification

It appears that federally regulated wetlands and/or waterbodies may be located on the subject property. Work within certain wetlands and other waters of the U.S. may require a permit from the US Army Corps of Engineers (USACE). A Water Quality Certification, pursuant to Section 401 of the Federal Clean Water Act, may be required from the DEC when a USACE permit is issued. The DEC recommends you contact the USACE directly regarding federal wetlands and waters of the U.S. regulatory jurisdictions and permitting requirements. The USACE NY District regulatory program for this area is handled out of the USACE Upstate Regulatory Field Office in Watervliet NY. The Regulatory Field Office general phone number is (518) 266-6351 and the general email address is cenan-r-permit-app@usace.army.mil.

Please refer to this DEC website link <http://www.dec.ny.gov/permits/6546.html> for more information on Water Quality Certifications, including state procedures instituted in response to new USEPA rules.

SPDES General Permit for Construction Activities Stormwater Discharge

Any project which results in a disturbance of one acre or more of land, must be in compliance with the State Pollutant Discharge Elimination System (SPDES) Phase II regulations for Stormwater Discharges Associated with Construction Activities. Information regarding the SPDES General Permit for Stormwater Discharges can be found on the DEC's website at <http://www.dec.ny.gov/chemical/8468.html>.

Water Withdrawal Program

Based on the information provided, it appears that the project may require a water supply extension from the Guilderland Water District, which holds a consolidated water withdrawal permit (DEC ID#4-0130-00294, WWA011658) If the Guilderland Water District approves the water supply extensions, they will then require a modification to their Water Withdrawal permit. Applications for Water Withdrawal permit modification are submitted to the DEC by the Guilderland Water District and should include an updated Water District Map showing the new extension area. The Guilderland Water District's permit modification will incorporate the updated district map that includes the new extension.

Additional Information

Cultural Resources

Your project site appears to be located within an area of potential historical or archeological significance. If approvals/permits are ultimately needed from this DEC, consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) will likely be required to better evaluate this project's impact on these resources. To initiate consultation with OPRHP, please visit their project submission website at <https://cris.parks.ny.gov/>.

Please note that construction activities that have the potential to affect historic and/or archeological resources are not eligible for coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-25-001) unless documentation of satisfactory compliance with Section 106 of the National Historic Preservation Act is received from OPRHP for the project site.

Sanitary Sewer

Please be reminded that under 6 NYCRR Part 750-2.10, any sanitary sewer extensions required as part of this project must be reviewed and approved before construction and connection to the

system. Sewer extensions are defined under 6 NYCRR Part 750-1. In Albany County, the County Health Department (ACDOH) reviews and approves sewer extensions on behalf of the DEC through a Water Quality Management Grant with the Division of Water (DOW). As such, the engineering report and plans must be submitted directly to the ACDOH for sewer extension approval. Please also submit the report and plans to DEC's Division of Water staff Kyle LaFond via email to kyle.lafond@dec.ny.gov.

Please feel free to contact Trish Gabriel by email at trish.gabriel@dec.ny.gov or phone at (518) 357-2445 if you have any questions.

Sincerely,



Lena Phillips
Environmental Analyst I

Encl.: Project Location & NYS Resources Map

ecc: Trish Gabriel, DEC R4 Permits
Will Buetow, DEC R4 Habitat
Kyle LaFond, DEC R4 DOW

NYS RESOURCES MAP WITH PROJECT LOCATION

DUTCH MILL ACRES
 Planned Unit Development
 3633 Carman Road
 Tax Parcel 27.11-1-24.1
 Town of Guilderland
 Albany County

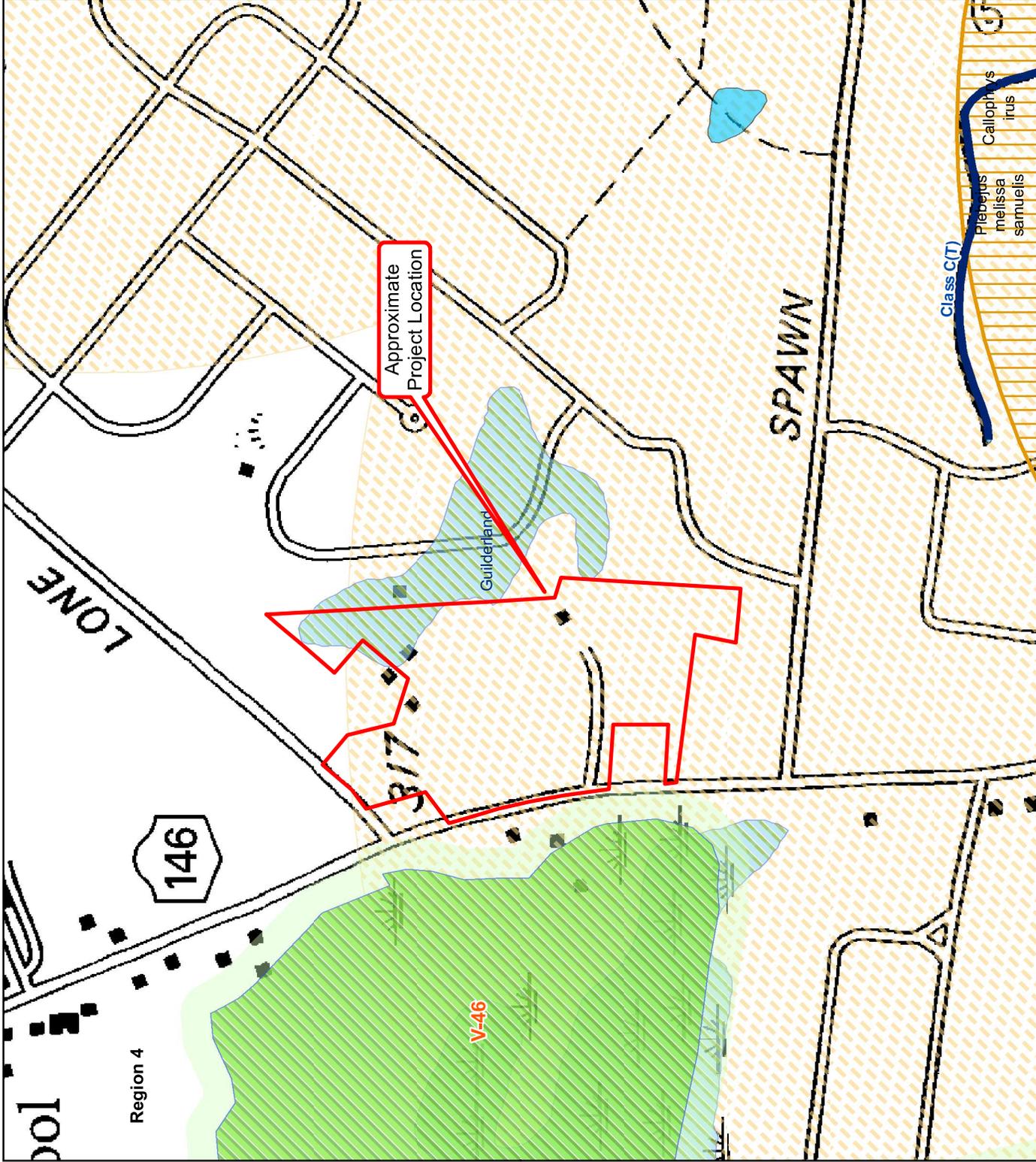
February 18, 2026



1 inch = 464 feet

Legend

- 3633 Carman Rd
- Regulated Freshwater Wetlands**
 - Class 1 Wetland
 - Class 2 Wetland
 - Class 3 Wetland
 - Class 4 Wetland
 - FW AA
- Water Quality Classifications**
 - Unprotected
 - Protected
- National Wetlands Inventory - Color**
 - Emergent, Forested/Shrub
 - Riverine, Lake, Pond
 - Other
- E&T Species**
 - Mammals
 - Birds
 - Reptiles and Amphibians
 - Insects and Snails
- Cultural Resources**
 - Cultural Resources



Disclaimer: This map was prepared by the NYSDEC Division of Environmental Permits using the most current data available. It is deemed accurate but is not guaranteed. NYSDEC is not responsible for any inaccuracies in the data and does not necessarily endorse any interpretations or products derived from the data.

