NEW YORK STATE | Department of Environmental Conservation

KATHY HOCHUL
Governor

AMANDA LEFTON
Commissioner

October 20, 2026

Town of Lysander
8220 Loop Rd
Baldwinsville, NY 13027
ATTN: Kevin Rode

**RE: SEQR Lead Agency Letter Response (GID-011048)**
**Proposed Zone Change Agricultural to General Business**
**Town of Lysander, Onondaga County**

Dear Supervisor Rode,

The New York State Department of Environmental Conservation (DEC) received the Lysander Town Board's notice of intent to serve as Lead Agency under State Environmental Quality Review (SEQR) for the above referenced project. This notice was received by DEC on September 28, 2026. According to the materials provided, the project proposes to re-zone 9086 Oswego Rd from agricultural to general business. Based on the review of your inquiry, DEC offers the following comments:

## PROTECTION OF WATERS

A Protection of Waters permit is required to physically disturb the bed or banks (up to 50 feet from stream or to the first break in the slope, if greater than 45 degrees) of any streams identified as "protected," and for any excavation or filling below the mean high water level of any waterbodies and contiguous wetlands identified as "navigable."

There are no protected streams or waterbodies that appear on our regulatory maps at the location/project site you identified, therefore a Protection of Waters permit is not required at this time. Please note, however, the project sponsor must prevent contamination of any stream or waterbody by silt, sediment, fuels, solvents, lubricants, or any other associated pollutants, through use of appropriate erosion and sediment control measures.

## WATER QUALITY CERTIFICATION

A Section 401 Individual Water Quality Certification may be required if the US Army Corps of Engineers requires a permit pursuant to Section 404 of the Clean Water Act for the discharge of fill in Waters of the U.S. If the project qualifies for a Nationwide Permit, it may be eligible for coverage under DEC's Blanket Water Quality Certification. A determination on Corps jurisdiction and Nationwide Permit eligibility is likely necessary for a DEC jurisdictional

determination. For more information, please visit https://dec.ny.gov/news/environmental-notice-bulletin/2025-11-12/public-notice/statewide-blanket-section-401-water-quality-certification-for-nationwide-permits.

## FRESHWATER WETLANDS

New York State regulated freshwater wetlands, and their associated 100-foot adjacent area(s) may be located within the identified site or project area. Pursuant to Environmental Conservation Law (ECL) Article 24, DEC has jurisdiction over wetlands that are 12.4 acres or larger, as well as previously mapped wetlands. Certain activities or physical disturbances to the regulated freshwater wetlands and/or their 100-foot adjacent area(s) require an ECL Article 24, Freshwater Wetlands permit from DEC.

The Lead Agency's SEQR determination of significance should consider the project's natural resource impacts on potentially regulated freshwater wetlands.

To determine whether the property contains regulated freshwater wetlands the project sponsor must submit a parcel Jurisdictional Determination (JD) request. A parcel JD is a determination by DEC as to whether a property or an area of interest on the property includes regulated freshwater wetlands and/or regulated adjacent areas within the parcel or area boundaries. The parcel JD does not state the extent of the wetlands. If a determination is made that the property contains regulated freshwater wetlands or regulated adjacent areas, a delineation of the wetland boundaries and a project JD will be required. A project JD is a determination made by DEC whether a proposed activity within a location that has regulated freshwater wetlands or regulated adjacent areas requires an ECL Article 24, Freshwater Wetlands permit. For projects where the presence of regulated freshwater wetlands is known, there is a consultant option – parcel JD process. This process provides wetland practitioners with the option of drafting a positive parcel JD for project areas in which they've identified the presence of regulated freshwater wetlands or regulated adjacent areas following DEC's SOP for remote jurisdictional determination and classification of freshwater wetlands. More Information on these formal assessments can be found on DEC's Freshwater Wetland Jurisdictional Determination webpage.

If disturbance to a regulated freshwater wetland and/or adjacent area cannot be avoided, the project sponsor must submit a Joint Application Form (following the Instructions) to DEC. The project, through the application process, must meet the standards for permit issuance, and receive coverage under an ECL Article 24, Freshwater Wetlands, permit prior to commencing construction. In accordance with 6 NYCRR Part 663, Freshwater Wetlands Permit Requirements, applicants must justify the need for the disturbance, discuss avoidance measures that were considered, steps taken to minimize impacts, and once those have been exhausted, steps to mitigate impacts, as part of the permit application. Information on

application procedures and permit issuance standards can be found on DEC's Freshwater Wetlands Program webpage.

For additional information on regulated freshwater wetlands please contact DEC Bureau of Habitat Central Office, FWWjurisdiction@dec.ny.gov.

## STATE-LISTED SPECIES

DEC has reviewed the State's Natural Heritage records and has determined there are no record(s) within or near the site of the state-listed species.

The absence of data does not necessarily mean that rare or state-listed species, natural communities or other significant habitats do not exist on or adjacent to the proposed site. Rather, DEC's files currently do not contain information which indicates their presence. For most sites, comprehensive field surveys have not been conducted. DEC 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.

## STORMWATER DISCHARGES

Soil disturbances of one or more acres of land from construction activities must obtain permit coverage under the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (GP-0-25-001) by submitting a Notice of Intent and developing & implementing a Stormwater Pollution Prevention Plan (SWPPP). Erosion and sediment control practices must be designed in accordance with NYS Standards of Erosion and Sediment Control, 2016 and post-construction control stormwater management practices must be designed in accordance with NYS Stormwater Management Design Manual, 2024.

This site is within a Municipal Separate Storm Sewer System (MS4) area. Therefore, stormwater plans must be reviewed and accepted by the municipality and the MS-4 Acceptance Form must be submitted to DEC. For further information please review the DEC Stormwater webpage at https://dec.ny.gov/environmental-protection/water/water-quality/stormwater.

## CULTURAL RESOURCES

DEC has 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 not located within an area considered to be sensitive with regard to archaeological resources. For more information, please visit the New York State Office of Historic Preservation website at https://parks.ny.gov/shpo/.

This letter serves to confirm that DEC has no objection to the Town Board of Lysander assuming lead agency status for this project. By copy of this letter, DEC is advising the project sponsor of the above referenced resources, concerns and/or potential DEC permits. It is possible that DEC permit requirements may change based on additional information received or as project modifications occur.

**This determination will be valid for two years following the date of this letter.** Please contact this office if you have questions regarding the above information. Thank you.

Sincerely,

Julie Hernandez
Environmental Analyst
Division of Environmental Permits, Region 7
Telephone No. (315) 426-7420

cc: T. Choe & M. Kukko, R7 DEP
Town Clerk
N. Carlton, R7 BOH