

November 16, 2021

Acting Chair, Anne Dexter  
Kathleen Moss, Zoning Administrator and  
Members of the Planning Board  
Town of Hyde Park Town Hall  
4383 Albany Post Road  
Hyde Park, NY 12538

**Re: Key Construction Services, LLC Office Space & Self Storage  
1234 Route 9G  
Site Plan Application/Response Letter**

Dear Acting Chair Dexter & Ms. Moss,

Enclosed please find ten (10) copies of the following documents:

1. Responses to Comments
2. Fire Department Approval Letter dated October 6, 2021
3. DC Planning 239m Response Letter dated September 21, 2021
4. NYS DOT Response Letter for Entrance dated November 2, 2021
5. Site Plan Application (for reference) dated June 1, 2021
6. Wetland Buffer Impact Plan prepared by the LRC Group dated October 14, 2021
7. Wetland Boundary Map verified by NYSDEC dated October 26, 2021
8. Site Plan Set prepared by the LRC Group amended November 16, 2021:

Also enclosed please find one (1) copy of:

1. SWPPP prepared by the LRC Group dated November 10, 2021 (electronic copies previously submitted)

Following are the responses to the Permit Jurisdiction Review prepared by NYS DEC dated February 9, 2021:

## **PROTECTION OF WATERS**

*The following stream is located within or near the site you indicated:*

*Tributary of Maritje Kill*

*A permit is not required to disturb the bed or banks of “non-protected” streams.*

*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.*

**Response:** Comment noted.

## **FRESHWATER WETLANDS**

*Your project site is near or in Freshwater Wetland HP-22, Class 1. A Freshwater Wetlands permit is required for any physical disturbance within these boundaries or within the 100-foot adjacent area. The submitted project plans titled “Key Construction, LLC”, prepared by LRC Group and dated December 1, 2020 include the 100-foot freshwater wetland adjacent area. However, there are no flag numbers identified on the submitted maps indicating the freshwater wetland boundary. To have the boundary validated, please contact Sarah Pawliczak, Bureau of Ecosystem Health, at (845) 256-3050 or at [sarah.pawliczak@dec.ny.gov](mailto:sarah.pawliczak@dec.ny.gov).*

**Response:** NYSDEC validated the Wetland Boundary Map on October 26, 2021 (signed Map included in this submission).

## **WATER QUALITY CERTIFICATION**

*If the United States Army Corps of Engineers (ACOE) requires a permit for work completed in or impacting a federal wetland or waters of the U.S., you will need a Section 401 Water Quality Certification from the Department. Please contact the ACOE at (917) 790-8411 for a determination.*

**Response:** The Article 24 Permit Application has been submitted to NYSDEC. A copy of the submission was provided to the Town on November 4, 2021.

## **STATE-LISTED SPECIES**

The DEC has reviewed the State's Natural Heritage records. We have determined that the site is located within or near records of the following state-listed species:

- Blanding's turtle (*Emydoidea blandingii*) Threatened
- Indiana bat (*Myotis sodalis*) Endangered

Any potential impacts of the proposed project on these species should be fully evaluated during the review of the project pursuant to the State Environmental Quality Review Act (SEQR). A permit is required for the incidental taking of any species identified as "endangered" or "threatened," which can include the removal of habitat. In addition, project modifications may be needed to avoid or adequately mitigate any potential impacts identified.

### **Blanding's turtle:**

The project location is within the screening distance of a known Blanding's turtle record. Please see the attached Blanding's Turtle Education and Encounter Plan for measures to take during construction and operation of this project to minimize impacts to the species and to potential suitable habitat. If project related impacts cannot be fully avoided or minimized, an Incidental Taking permit pursuant to Article 11, Title 5, Endangered and Threatened Species may be required.

### **Indiana bat:**

Tree removal associated with this project should occur within the appropriate time of the year work window, October 1 through March 31, to avoid direct impacts to individuals and the need for an Incidental Take permit pursuant to 6 NYCRR Part 182. If more than 10 acres of tree removal is required, a review of impacts to habitat including an analysis of change in percent forest cover and indirect impacts to the species related to noise, lighting, dust, chemical use, etc. as specified in the attached USFWS Indiana Bat fact sheet is needed for this site. If the impacts to habitat or indirect impacts to the species are adverse, or impair and essential behavior, an Incidental Take permit will be needed.

Please note that a project sponsor may not commence site preparation, including tree clearing, until the provisions of SEQR are complied with and all necessary permits are issued for the proposed project.

For technical questions regarding these species and their associated avoidance and mitigation measures, please contact the NYSDEC Bureau of Wildlife at [wildlife.r3@dec.ny.gov](mailto:wildlife.r3@dec.ny.gov).

The absence of data does not necessarily mean that other rare or 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.*

**Response:** NYSDEC Article 24 permit has been submitted to the NYSDEC for review.

### **STATE POLLUTION DISCHARGE ELIMINATION SYSTEM (SPDES) CONSTRUCTION**

*If the overall project will disturb one or more acres 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 develop a Stormwater Pollution Prevention Plan (SWPPP) that conforms to requirements of the General Permit.*

*As this site is within a Municipal Separate Storm Sewer System (MS4) community, the municipality is responsible for review and acceptance of the SWPPP, and the MS-4 Acceptance Form must be submitted to the Department. For information on stormwater and the general permits, see the DEC website at <http://www.dec.ny.gov/chemical/8468.html>.*

**Response:** See attached SWPPP amended November 10, 2021 which has been provided to the town for their review and approval.

### **AIR RESOURCES**

*If the project activities include the installation of a stationary or portable combustion system that exceeds one of the following thresholds, then an air facility registration may be required:*

*A maximum rated heat input capacity less than 10 million British Thermal Units (Btu) per hour burning fuels other than coal or wood; or*

*A maximum rated heat input capacity of less than 1 million Btu/hr burning coal or wood.*

*For more information, please contact the DEC Division of Air Resources at (845) 256-3185.*

**Response:** No thresholds will be exceeded; therefore, no permits are required.

## **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 the project sponsor 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. More information about DEC permits may be found on 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>.*

**Response:** Comment noted

**Following are the responses to comments prepared by DC County Planning & Development dated September 21, 2021:**

1. *Matter of Local Concern*

**Response:** Comment Noted. Letter included with this submission.

**Following are the responses to comments prepared by CPL dated October 4, 2021:**

### General

1. *The response letter states that the Town is coordinating with the fire department. It is the applicant's responsibility to coordinate and obtain any comments from their agency.*

**Response:** Please refer to attached letter from Fire District dated October 6, 2021.

2. *To consider a SEQR determination, the Town will need the following:*

- a. *confirmation from the NYSDOT that the new access will be acceptable for the change in use for the property.*

**Response:** Please see email received from NYSDOT dated November 2, 2021 regarding the current entrance. We will submit an application to NYSDOT and will advise the Town of any requested changes to the entrance design.

- b. *Wetland boundary validation confirmation from the NYSDEC. Site disturbance is shown close to most buffer areas, therefore if the boundaries change from those shown on the plan it may impact the development.*

**Response:** The wetland boundary was field verified by the NYSDEC on October 26, 2021 (signed Map is included in this submission).

## Site Plans

### Site Plan SP-1

1. *The 100-foot wetland boundary is also labeled floodplain. Please clarify.*

**Response:** The 100' wetland adjacent area callout has been corrected on the site plan sheet SP-1.

2. *Note 19 refers to construction fencing being placed along the wetland buffer. To ensure this requirement is met, please label the wetland buffer on applicable plan sheets referring to the fencing and Note 19. Some wetland buffers may not need fencing if disturbance is not close to the boundary.*

**Response:** All pertinent plans such as site plan, grading, drainage, utilities, and landscape plans have been revised to add the buffer callout as requested.

3. *Note 22 refers to a spill kit being on-site. This is in response to the prior comment raised about the potential for spills on the unpaved outdoor equipment storage area. The storage area should be labeled, and the spill kit noted as a prevention measure. The location of the spill kit should be noted.*

**Response:** The location and notation have been identified on the site plan sheet as being mounted to the outside building wall.

4. *Snow storage areas are shown in areas of dry swales. We will check to ensure this is acceptable per NYSDEC Stormwater manual.*

**Response:** Comment noted.

## Site Plan- SP-2

1. *The plans indicate an existing off-site driveway being connected to the new driveway. There needs to be a common driveway agreement prepared for review by the Planning Board attorney.*

**Response:** Vehicular access for the residential driveway is accomplished through an existing easement. No further action is required.

## Site Grading/Drainage Plan-SG-1

1. *As indicated in prior comments, the grading between all the storage buildings needs to be reviewed. At Buildings 1 and 2, the elevation of the center pavement area is higher than the building elevations. Perhaps the building elevations need to be raised. There are no pavement elevations between buildings 4-6. The grades between buildings 6-8 don't equal the 0.5% indicated. Consider raising the building elevations.*

**Response:** The grading has been revised to ensure that the center of the pavement isn't higher than the buildings.

## Site Grading/Drainage Plan -SG-2

1. *As indicated in prior comments, the slope of the driveway has limited slope as drainage will enter the forebay at Pocket Pond 1. We understand the issue of grading and impact to wetlands and buffer. Drainage will have to travel 600 feet along the curb before entering the forebay, 400 feet of which has very limited slope. This could cause icing issues in winter. As this affects the applicant and potential maintenance issues, the applicant's engineer can decide whether to review possible changes to the design. Perhaps there could be two forebays to allow water to enter the pocket pond earlier or raise the road and consider a section of short retaining wall. Again, this is the applicant's decision.*

**Response:** The driveway grading has been revised to ensure that the slope is not less than 1.0%.

## SWPPP

1. *We haven't had time to review the SWPPP. Comments will be provided separately at a later date.*

**Response:** Comments received October 27, 2021. Responses listed below.

2. *We did look for the soil tests to determine groundwater elevations. Section 2.4 of the SWPPP indicates soil testing information is in Appendix D. We did not see the testing information in Appendix D.*

**Response:** Reference pages 353 and 354 in Appendix D of SWPPP amended November 10, 2021 (included with this submission).

**Following are the responses to comments prepared by Nelson Pope Voorhis dated October 6, 2021:**

### **A. Application/General Comments**

1. *Narrative. The hours of operation for the office/warehouse should be indicated on the plan as a map note. The map should indicate the units are not climate controlled and maintenance of equipment will not be conducted on the site. These could also be set forth in any resolution of approval.*

**Response:** The hours of operation for the office and warehouse have been added to the site plan notes on SP-1, along with the notation of maintenance of equipment conducted onsite for non-climate-controlled buildings.

2. *Parking and scale. Does the Zoning Administrator find Note 23 on Sheet SP-1 acceptable?*

**Response:** Response is for Zoning Administrator.

3. *Separation of buildings. The response letter indicates that confirmation from the fire department is necessary before it can be confirmed whether parking will be provided between the two northerly buildings – if so, the buildings would be moved farther apart. Has a response from the fire department been received? The applicant’s representative, in an email dated 9/29/21, stated that they would contact NYSDOT and the fire department.*

**Response:** Please see attached letter from the Fire District dated October 6, 2021.

4. *Procedure.*

- a. *This is an Unlisted action. The Planning Board has circulated its Notice of Intent to be Lead Agency. If 30 days have passed, it can assume Lead Agency status.*

**Response:** Comment noted.

- b. *A public hearing is required for the site plan.*

**Response:** Comment noted.

- c. *The Planning Board will need to forward the application to the Dutchess County planning department for GML 239-m review.*

**Response:** Please see response from County Planning stating “Matter of Local Concern” dated September 21, 2021.

- d. *A variance from scale is required from the ZBA.*

**Response:** Comment noted.

- e. *Other referrals and approvals are required, as noted in the project summary above.*

**Response:** Comment noted.

## **B. Site Plans**

### Cover Sheet

No comments.

### Sheet 1 of 1 - Boundary and Topographic Survey

1. *The location of any stream needs to be shown. At a minimum, secondary data indicate there is a stream present in the wetland along the east side of the site. Has the field visit with DEC occurred?*

**Response:** A site visit with NYDEC occurred and the project biologist in 2021. The wetland mapping was updated and is included with this submission.

2. *Wetland flags. The wetland flags do not “close” or go to the property line. It is unclear what route the wetland goes in along the driveway – a wetland point should be added. The same occurs with the eastern wetland along its northern boundary. The transmittal letter does not address this. If it goes from north to south, the point should end or close on the property line - they do not.*

**Response:** The existing wetland line has been clarified to the property line. Additionally, a 100’ buffer impact plan (WL-1) has been added to overall plan set.

3. *Have any isolated trees been mapped? As per the aerial provided later in this memo, there were isolated trees present which extended from the northwesterly wetlands to the southern wetlands. The Planning Board should opine if these should be shown.*

**Response:** The three (3) cottonwood trees have been identified on the plan. One tree will be removed for the drive aisle, as noted and the two others will be protected during construction.

4. *The response letter indicates that the septic system and well present for the drive-in theater will be shown on subsequent plans. Appropriate notes need to be added regarding the appropriate closure of these facilities once they are shown on the plans. This remains an open item.*

**Response:** The reputed location of the septic system is unknown and cannot be added to the plans. If a system is found during construction the system will be removed and disposed of according to all local and state requirements.

## Sheet OP-1

1. *The 100-foot adjacent area along the westernmost area of the driveway needed to be clarified. Is the entire driveway to its intersection in the adjacent area, or does the 100-foot adjacent area travel in a northerly direction at some point? The map needs to be updated to demonstrate that it turns to the north. The adjacent area should be mapped to the property boundary to see the extent of the road in the adjacent area.*

**Response:** The 100' adjacent area has been clarified on all sheets and the mapping updated. Additionally, a wetland impact plan has been added for impacts to the wetland buffer.

## Sheet SP-1

1. *Notes should be added regarding whether boat or other vehicle parking will occur in connection with the self-storage facility. The applicant indicated this potential exists. It would occur outside the spaces – this should be indicated as a map note.*

**Response:** Parking callout for boats and other recreational vehicles for the self-storage areas have been identified.

## Sheet SP2

1. *Is a stream present at the culvert location? What is the purpose of the culvert – what is it draining? Based on historic aeriels, it appears that the wetland and/or a stream extended in a southerly direction. It is unclear what is occurring today. The DEC field visit will likely address this.*

**Response:** The NYSDEC has been onsite and verified the boundary and wetlands limits. No stream is present at the site, the culvert connects the two wetland areas.

2. *The proposed sign at the entrance with Route 9G is still to be detailed.*

**Response:** Comment noted.

3. *The 100-foot adjacent area and wetland boundary lines are not completed for the portion of the site along the driveway – it should be shown turning to the north, upon DEC verification.*

**Response:** The 100' adjacent area has been clarified on the plans.

Sheet SG-1 and SG-2

No comments.

Sheet UT-1

1. *The response says that the gas and electric lines are shown for informational purposes. However, if this is where they are shown, the expectation is that they will generally be located here and specifically, that they will not run through the 100-foot adjacent area. Note that lines are only shown to the main office/warehouse building, and not the self-storage or warehouse building, although lighting will be there. Any rooftop or ground mounted electrical equipment, HVAC, should be shown, or a note indicating that they will be located within the buildings.*

**Response:** As stated the gas and electric are shown for reference. Once coordination has occurred with the local utility companies and electric contractor provide the final locations. Additionally, the HVAC screening notation has been provided on site plan.

EC -1 and EC-2

No comments.

Sheet LL-1 and LL-2

1. *Note that two trees are still proposed within the snow storage area. We defer to the Planning Board's landscape consultant with regard to whether or not the trees can reasonably survive here, based on the species.*

**Response:** Comment noted.

## Sheets LP-1 and LP-2

1. *The applicant indicates that the operation will be accessible 24 hours. The most recent KARC letter provides a response as to the light output during nighttime hours. The Planning Board should discuss what notes it would like to be added to the plans, if any, based on the response regarding lower light levels during this time period.*

**Response:** Response is for the Planning Board.

## Sheets DN-1 through -4

No comments.

## Sheets A-101 through A-204

No comment. The response is that the doors will not match the building.

## **C. SEQRA**

1. *Proposed action classification. The proposed action is an Unlisted Action. The Planning Board will conduct coordinated SEQRA review. The Planning Board, after the 30-day circulation period, can assume Lead Agency status.*

**Response:** Comment noted.

2. *Phase I ESA. The response letter indicated that the site “was last used as a drive-in theater over 35 years ago...” The Habitat Assessment states that the upland field is being used for “construction vehicle storage”. Aerial imagery indicates various activities including storage and some material handling occurred regardless of whether it was formally approved. From a SEQRA perspective, it is reasonable for the Planning Board to require additional information to ensure that nothing was placed on this site in the past which would be problematic during construction or in the long-term. This should be discussed.*

**Response:** Comment noted.

3. *Wetlands. A NYSDEC verified wetland boundary survey must still be provided. A field visit was to have occurred – what is status.*

**Response:** NYSDEC verified the Wetland Boundary Map on October 26, 2021 (signed Map is included with this submission).

4. *Regulated Species. The NYSDEC will need to weigh in on the potential presence of Blandings Turtles, and whether adherence to the 100-foot wetland boundary is sufficient habitat area for the species. Has the applicant obtained input from DEC?*

**Response:** See comments from Permit Jurisdiction Review dated February 9, 2021 listed above.

5. *Species. We await a NYSDEC Natural Heritage Program letter as per the response letter. The response letter indicates this will be addressed as per the DEC site visit, but it is not anticipated the DEC would provide a letter. The letter should be requested by the applicant's representative. The ecological assessment report is incomplete without same. Also, the habitat assessment should indicate how many times the preparer was in the field, and the dates of field work – this is not yet provided. The assessment should also specifically state whether Blandings turtles were searched for and sighted, based on appropriate survey methodology – no response provided, other than DEC will visit the site.*

**Response:** An Article 24 NYSDEC permit has been submitted for review by NYSDEC.

*Based on the additional information provided as part of the site plan submission, the following is noted, based on the Habitat Suitability Assessment/Conclusions:*

- *Lighting must not affect bat forage activities. Will lights at this facility be on the entire evening? How will this impact this species? A response not provided. The lighting is to be left on in the evening, at lower levels. The DEC should weigh in.*

**Response:** An article 24 NYSDEC permit has been submitted for review by NYSDEC.

- *The Assessment does not address the potential operational impacts to the turtle. Are they likely to cross the driveway? Do they need to be kept out of the site? The response is that this will be addressed by the DEC.*

**Response:** An Article 24 NYSDEC permit has been submitted for review by NYSDEC.

- *As a general comment, what measures will be put into place to ensure that the facility does not encroach upon the 100-foot adjacent area beyond what is shown at this time for construction? It would be useful to put a more permanent barrier between activity areas and the adjacent area, and any measure needs to take into account Blandings turtle movements, e.g., a split rail fence may be appropriate. No response provided – only construction measures referenced (orange fencing).*

**Response:** An article 24 NYSDEC permit has been submitted for review by NYSDEC.

**Following are the responses to comments prepared by the Hyde Park Conservation Advisory Council dated October 11, 2021:**

1. *General observations:*

- a. *The site is surrounded with wetlands, 4 acres of impervious cover will deposit into those wetlands;*

**Response:** The project has been designed to meet NYSDEC stormwater requirements.

- b. *no plan for stormwater management was included*

**Response:** A SWPPP has been prepared and submitted to the town engineer for review.

- c. *Wetland jurisdictions have yet to thoroughly weigh-in*

**Response:** NYSDEC verified the Wetland Boundary Map on October 26, 2021.

- d. *The site has been used for heavy equipment storage/maintenance with unknown hazardous material management practices.*

**Response:** Comment Noted.

- e. *unclear is what is to be stored in the warehouses and how the open area storage will entail.*

**Response:** The applicant has discussed the details with the planning board.

- f. *though encircled/enclosed/isolated, at least the potential exists to disturb neighbors with light trespass, idling motor exhaust and noise*

**Response:** The proposed design will meet all the town standards.

- g. *Assessment of traffic impact is yet to be determined*

- i. *15-20 employees, meeting conference room, heavy equipment storage, all suggest the assessment is necessary*

**Response:** The project does not meet the threshold requirements for a traffic impact analysis.

2. *D1a: office, self-storage, storage; warehouse included; is equipment stored and maintained on site?*

**Response:** Stored and not maintained.

3. *D1c: equipment is currently stored on site*

**Response:** Comment Noted.

4. *D1h: washdown area empties into a surface water retention pond; there are multiple surface water retention ponds and snow storage areas shown; sizes are TBD; what flow and intensity values are being used to design these areas?*

**Response:** The site has been designed to meet the NYSDEC stormwater design requirements.

5. *D1h:*

- a. *Stormwater treatment ponds designed for what critical flow and intensity*

**Response:** The stormwater treatment and collection system has been designed per the NYSDEC Stormwater Design Manual.

- b. *Whereas currently a semi pervious surface, after construction ~180,000 FS will receive precipitation; an 8" 100 year 24 hr storm will mean ~1 million gallons deposited on impervious surfaces for management*

**Response:** The stormwater treatment and collection system has been designed per the NYSDEC Stormwater Design Manual.

- c. *D2b: even a "normal" 2" 24 hour storm will mean 250,000 new gallons will be deposited in wetlands; will the wetlands have sufficient drainage to avoid "drowning" of plants accustomed to survive at the current wetland liquid levels? Or will vast kill off result in dead species potentially serving as fuel for fires?*

**Response:** The stormwater treatment and collection system has been designed per the NYSDEC Stormwater Design Manual.

6. *D2bi: Appendix R DEC Permit Jurisdiction Review Stipulations; please comment*

**Response:** See responses above to Permit Jurisdiction Review dated February 9, 2021.

7. *D2di Office space suggests 12-15 full time staff. Depending on uses of the warehouses (true warehouse or combination machine shop and equipment repair) another 3-5 staff may be on site.*

**Response:** Comment noted

8. *D2dii: 22' turning radius next to septic drain field adequate on a heavy equipment driveway?*

**Response:** Comment noted the site has been designed to meet the needs of the equipment proposed at the site.

9. *D2eiv: please elaborate with detail*

**Response:** D2eiv on page 5 of EAF Part 1 asks, "Is a new water supply district or service area proposed to be formed to serve the project site?" A new water supply district or service area is not proposed because a water supply already exists because of the former Drive-In Theater.

10. D2gi

- a. *Air quality and noise potential: planned standard operating procedures of the facility is unknown. Consequently, unknown is the potential for continual or periodic exhaust stack emissions and engine operation noises to occur in the 54,000SF office building, three warehouses and 5 storage area within 600-800 feet of residences.*

**Response:** The site has been designed to meet the town standards.

- b. *Only extremely rare winds from the Northeast-East will carry noise and stack emissions to dwellings along 9G. The rare winds from the west have the potential to impact dwellings 700' to the East of the facility*

**Response:** Comment noted.

11. D2j: *re additional traffic: how to use the comment "to be determined" in assessing the EAF*

**Response:** No question/comment noted

12. D2m: *ref D2gi comment*

**Response:** D2m on page 8 of EAF Part 1 asks, ***Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both Yes / No.*** We responded, Yes, noise will exceed ambient noise levels during the construction period only and only during hours permitted under Town Code.

D2gi on Page 6 of EAF Part 1 applies to air quality. Please clarify comment.

13. D2n: *Lighting:*

- a. *Pole mount LED height and beam spread to avoid light trespass of 0.5 foot-candles at the property line*

**Response:** Comment noted

- b. *2700 kelvin LED's preferred*

**Response:** Comment noted

14. D2o: ref D2gi comment

**Response:** D2o on Page 8 of EAF Part 1 asks, *Does the proposed action have the potential to produce odors for more than one hour per day?* We responded, No.

15. D2t:

- a. *Will storage contracts require no hazardous material stored?*

**Response:** No hazardous materials will be used or stored on site.

- b. *There will be company related hazardous material stored or handled on site?*

**Response:** No hazardous materials will be used or stored on site.

16. E1g: Management of hazardous material

- a. *Resulting from previous site use as equipment storage*

**Response:** No hazardous materials or equipment is stored at the site.

- b. *Currently contaminated soils and hazardous material storage*

**Response:** No hazardous materials or equipment is stored at the site.

17. E1hiv: Groundwater monitoring wells were monitoring aquifer quality

**Response:** None proposed.

18. E2g: Permeable deposits directly overlying the aquifer

**Response:** Comment noted.

19. E2h: Surface waters potential impacts

- a. *Washout area drains into a sediment pond with a spillway 105' from a wetland*

**Response:** The stormwater has been designed to meet all NYSDEC stormwater requirements.

b. *Appendix R DEC Permit Jurisdiction Review Stipulations; please comment*

**Response:** See responses above to Permit Jurisdiction Review dated February 9, 2021.

20. *E2i: Driveway between large warehouses drains to warehouse*

**Response:** The grading has been revised to ensure that it drains away from the warehouse.

21. *E2l: ref E2g*

**Response:** E2l on Page 11 of EAF Part 1 asks, *Is the project site located over, or immediately adjoining, a primary, principal, or sole source aquifer?* We responded Yes, Principal Aquifer.

E2g asks, *Are there any unique geologic features on the project site?* We responded No.

22. *E2ni,ii,iii:*

a. *please expand on the current replies*

**Response:** E2ni states, *Describe the habitat/community (composition, function, and basis for designation.* We responded, Red Maple Hardwood Swamp, Hemlock Forest. No further response required.

E2nii asks, Source(s) of description or evaluation – **Response:** EAF Mapper.

b. *Waiver for isolated trees >18" w/i 50 of construction site: please expand*

**Response:** Comment is not clear.

## General Questions:

1. *What mitigations are proposed to protect the threatened species on site?*

**Response:** The site is under review from the NYSDEC.

2. *Are there provisions for recycling? There is no refuse/recycling areas listed on plans.*

**Response:** Proposed Trash Enclosure/Recycling Bin added to Site Plan (SP-1).

3. *Are there any green stormwater practices proposed?*

**Response:** The site has been designed to meet NYSDEC stormwater requirements.

4. *Do buildings/lighting contain any energy saving features?*

**Response:** The buildings are designed to meet all NYS state building code requirements.

5. *Have all applicable wetlands been flagged?*

**Response:** The NYSDEC has walked the site and reviewed the wetland lines.

**Following are the responses to SWPPP comments prepared by CPL dated October 27, 2021:**

1. *Please provide routing diagrams from pre and post HydroCAD models.*

**Response:** Routing diagrams have been provided.

2. *Please provide soils testing data and locations.*

**Response:** Soil test data have been provided.

3. *Please provide stage-storage tables for all HydroCAD treatment nodes.*

**Response:** Stage-storage tables have been provided.

4. *Please provide more grading detail for the dry swales (i.e., spot grades).*

**Response:** More grading has been provided.

5. *Are underdrains proposed for the dry swales? They are shown in the details but not on the plans.*

**Response:** Underdrains have been added to the plans.

6. *DA-1 Post HydroCAD node area does not match the plans, and this is causing an area discrepancy between Pre and Post HydroCAD models. Please revise.*

**Response:** The HydroCAD models have been revised to eliminate any discrepancies.

7. *NOI question 4 should be filled in.*

**Response:** NOI question 4 has been provided.

We look forward to discussing this further at the next Planning Board Meeting scheduled for December 1, 2021.

Thank you.

Sincerely,



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Kelly Libolt