

Medenbach & Eggers

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May 14, 2019

Town of Kingston
ATTN: John Konior, Chariman
906 Sawkill Road
Kingston, NY 12401

Re: Concerns with 850 Route 28 LLC Construction and Operation (the "Project")

Dear Mr. Konior,

The following is our response to Steve Mallory's concerns with 850 Route 28 LLC Construction and Operation (the "Project") dated 04/15/2019.

Noise Study:

- 1 - 4. See the attached letter dated May 6, 2019 from H2H Associates responding to comments 1 through 4 on the Noise Study.
5. If this work is approved to proceed after issues noted in this letter are satisfactory, I would like to see sight monitoring at residence houses during the duration of phase I and phase II work and made available to residence or reported at monthly town planning board meetings.

The Blasting Plan proposes a Pre-Blasting Impact Assessment. The potential impact assessment would assess the potential impacts from the proposed blasting operations on nearby residential or other structures.

6. We need an Order and action plan whereby work will stop when sound levels are exceeded.

The Town of Kingston Code Enforcement Officer will have the ability to stop work for excessive sound levels.

- 7. The SEQRA report was premature and incomplete. We also need a copy of all reports and analysis.**

The reports and analysis have been submitted to the Town Planning Board at the Town of Kingston Clerk's office for review.

Traffic Assessment: dated November 8 2018

- 1. Mobile batch plant and crusher plants are located outside the buildings. This will be a severe noise concern. Block wall around the plants should be installed to reduce noise impact to residence.**

The Mobile batch plant has been moved to be inside the proposed Phase 1 building. The crusher plant will be temporarily located outside during the rock excavation portion of the project. We have placed the rock crusher as far away as possible from any existing neighboring buildings within the previously disturbed mining area and the Noise Study concluded the crusher was within acceptable levels.

- 2. There will be over 42 tractor trailer a day in and out of this site plus worker vehicles. I was told only 2-3 per day at the March Planning Board meeting. Thus needs to be addressed.**

Yes, the Traffic Assessment dated November 8, 2018 estimates at full build out that there will be 42 tractor trailers trips throughout the day. An estimated 22 truckloads is expected per day for raw material deliveries and another 20 truckloads per day is expected for finished products.

- 3. The study does not take into account of the construction traffic. What will that look like as they will have construction vehicle working through both phases and during the start up and running of phase one plant operation?**

The traffic assessment date November 8 2018 addresses Construction Impacts on Page 6 of 7 in section 6.0 Construction Impacts. It is estimated that rock removal could generate 16 to 20 trips per hour. According to the report, the traffic due to construction is significantly less than the trip generation studied for the project.

- 4. We need high barriers on the inclined road that goes between the buildings to mitigate to sound of truck traffic.**

The road between the proposed buildings is currently proposed to be excavated 15 to 20 feet into the rock. Therefore, there will be a rock barrier between the road and neighboring properties to the south of the project area.

- 5. Proposed operation hours of 24/7 has not been approved as far as I know. What sounds other than tractor trailer be generated? We need to restrict hours of operation to eight hours maximum with no weekend or Holiday work.**

The construction hours are proposed to be limited to 6 AM - 7 PM and no construction on Holidays. The steel and concrete fabrication requires there to be workers onsite 24/7.

Blasting Plan: dated January 2019

- 1. What is the duration of blasting work? Will they blast one day a week and remove material the rest of the week? Need to understand what the durations of blasting will be and how often? An actual Blasting Plan should be submitted for review.**

It is unlikely that they would need to do more than one blast a week. The exact details of blasting will be provided in a site specific Blasting Plan provided by the blasting contractor after a Pre-Blasting Impact Assessment is performed. The blasting contractor will need to follow the Town of Kingston Code 245-5 Extractive operation, limitations. The blasting contractor will need to monitor the closest occupied structures.

- 2. Vibration limiting criteria, as well as, db level limits will need to be understood and monitoring provide for review. Where are the monitoring locations?**

See answer to question 1.

- 3. Who will pay for damages to existing housing in the area and how will that be mitigated?**

The owner and contractor will maintain the required liability insurance.

- 4. When will the final plan be presented to the public for review and comment?**

The final plans have been presented.

Negative Declaration: adopted March 18, 2019.

- 1. Voting of this declaration must have been after the residents left. Why?**

Voting on the Negative Declaration took place during the March 18, 2019 Town of Kingston Planning board meeting.

2. **Page 6 notes that the 48.0 db readings are within residence noise levels, based on Noise report. The Noise Report does not take into account those items listed above that should be taken at the site to better understand the impacts to residence.**

See the Attached H2H Associates response to the Noise study comments.

3. **How will we know if the proposed mitigation measures are enough without actual readings taken on all equipment? We need to schedule intermittent reviews.**

A front end loader was used to load shout rock into a tractor trailer while sound levels were being monitored. Please see the attached H2H Associates response to the Noise Study comments.

4. **The 2 gallons per hour requirement of water operation of this site is a concern. What impact will be on residence wells, and local aquifer? How will future well issues be resolved?**

A pump test is scheduled for the existing well.

If you have any questions on the above or need additional information, please contact our office.

Sincerely,



Caleb Carr *E. I. T.*

Medenbach and Eggers Civil Engineering and Land Surveying PC

Cc: Ryan Loucks
Dan Lefever

Attached:

H2H Associates Re: Response to Steve Mallory Comments On 850 Route 28 LLC Project Dated 04/15/2019

May 6, 2019

Caleb Carr
Medenbach and Eggers Civil Engineering and Land Surveying PC
4305 US Hwy 209
Stone Ridge, NY 12484

Via email

RE: **Response to Steve Malloy Comments On 850 Route 28 LLC Project Dated 04/15/2019**

Dear Mr. Carr

Below please find H2H's response to the comments received from Steven Malloy regarding the above referenced matter.

Our responses to Mr. Malloy's comments (**in bold font**) are in *italics*.

Responses to Steve Malloy Comments:

Noise Study Dated February 2019

- 1. Page 5 of the report notes that equivalent sound level measured at logging stations 11-14 during the day periods (8:30am to 12:30pm). This data was supplied but the monitoring results of the front end loader loading shot rock into a tractor trailer between 12:26pm-1:50pm was not provided. This information should be in the report and your analysis. The report also contains a small graph which is very hard to read noting times from prior to 12:00pm-2:00pm. It should reflect the template used in the ambient background report.**

The monitoring results of the front end loader loading shot rock into a tractor trailer between 12:26-1:50pm is provided in the Noise Study Dated February 2019 (Sound Report) for logging stations 11,12,13, and 15 on pages 60, 69,74, and 79 respectively. The data collected between 12:26pm-1:50pm is in section 2.5.1 of the Sound Report. The analysis is also included in section 2.5.1 of the Sound Report. Sound data was collected between 8:00am -2:30pm on December 26, 2018. Data from prior to 12:00pm-2:00pm is shown in the Ambient Survey Monitoring Results Section 2.4, and in Appendix C of the Sound Report.

- 2. One minute reading on the data collection seems to be long in duration. I would like to see what seconds would look like. One minute reading may not take into account the higher db levels and/or is used to average out the peak noise.**

The sound level meters collect data a rate of 16 times per second. The logging interval for the study is one minute meaning that the measurements collected over each one minute period are averaged into one LA_{eq} sound level. A one minute logging interval is used to allow for the data to be analyzed more effectively while still recording the maximum sound levels. This method does not affect the maximum sound level recorded during the study.

- 3. An actual site DB reading should be provided for the following on site equipment; material crusher , mobile batch plant and a tractor trailer , going up and down the inclined roadway between proposed buildings. A dozer with the blade running across bedrock and a sample blasting readings should be taken and recorded to understand what the residence will hear, as well as any other outside equipment that will be used during the construction and operation of the proposed plants.**

Collecting an actual on site sound level to understand what the residence will hear is not feasible given none of the equipment listed above will be on site until the project is started. H2H used sound levels collected from similar operations to best predict what the residence will hear. Based on H2H's findings shown in the Sound Report the largest anticipated increase in ambient sound levels at Receptor 2 (Steve Malloy residence) was while the crushing plant is in operation. Based on the fact that the crushing plant operates at 96.0 dB, and the above mentioned site equipment operates at a lower sound level (Table D of the NYSDEC "Assessing and Mitigating Noise Impacts" guidance document, Attachment A of Sound Report) H2H does not believe the above mentioned site equipment will have a greater impact on the Malloy residents than the primary crusher used in the Sound Report.

- 4. The report does not note where the front end loader loading into the tractor trailer was in relation to the logging stations. That should be noted on the drawing showing distances to residence.**

A revised Figure 2 is attached showing the location of the front end loader loading shot rock into a tractor trailer, and the distances to each residence.

If you or your staff have any questions, please do not hesitate to contact me directly at (518) 270-1620, extension 102 or by email at mpolacco@h2hassociates.com.

Best Regards,

H2H Associates, LLC



Michael Polacco
Project Geologist

Attachments

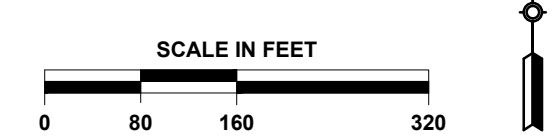
cc.

Richard Hisert, PhD, PG, H2H Associates, LLC.



MAP NOTES:
 1. CONTOUR INTERVAL = 2'.
 2. AERIAL PHOTO BASED ON PHOTOGRAMMETRIC SURVEY COMPLETED 07-07-2017 BY H2H ASSOCIATES, LLC.
 3. PROPERTY LINE AND PARCEL INFO FROM ULSTER COUNTY GIS TAX PARCEL SHAPEFILE

LEGEND:	
	PROPERTY LINE
	ADJACENT PARCEL
	MAJOR CONTOUR
	MINOR CONTOUR
	WATER BOUNDARY
	PHASE 1 BOUNDARY (WHITE)
	PHASE 2 BOUNDARY (WHITE)
	LOGGING STATION
	RECEPTORS



DATE	REVISIONS RECORD/DESCRIPTION
2019-5-3	REVISD PER STEVE MALLOY COMMENTS DATED 04-15-2019

THIS DRAWING IS NOT TO BE USED FOR ENGINEERING PURPOSES

DRAWN BY :	SAS
DESIGN BY :	SAS
CHECK BY :	MJP
PROJ. NO. :	374.00
SCALE :	AS SHOWN
DATE :	07-07-2017

ROUTE 28 NOISE STUDY		ULSTER COUNTY, NY
850 ROUTE 28, LLC.		
WEST HURLEY	H2H ASSOCIATES TROY, NY WWW.H2HASSOCIATES.COM	FIGURE 2 SHEET 01 OF 02