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March 11, 2021

Crawford & Associates Engineering, PC
ATTN: Ryan Loucks,
4411 Route 9, Suite 200 (The Flanders Building)
Hudson, New York 12534

Re: 850 Route 28 LLC,
Town of Kingston, Ulster County
C&A 4776.03

CHID: 7784

Dear Mr. Loucks,

The following is our response to the Crawford & Associates memo, dated March 27, 2020, outlining concerns with the 850 Route 28 project as well as our response to several public comments received since our last submission (March 2, 2020) to the Town. Our responses are in the order in which the concerns were presented in the memo. Attached under separate cover is the Noise Evaluation prepared by Maser Consulting.

Permit:

The status of the 7 required permits is listed below. Please note that the lead agency, being the Town of Kingston Planning Board, must complete the SEQRA process before any of these agencies can issue the permits listed below.

1. NYS DOT Commercial Entrance/Work within the ROW - The application for this permit will be filed prior to commencing road work.
2. NYS DEC Stormwater Discharge from Construction Activity (GP-0-20-00) - The Notice of Intent will be filed prior to initiating site disturbance, along with the Notice to Disturb Greater than 5 Acres of Soil (HC-209).
3. NYS DEC Stream Disturbance - A Joint Application has been submitted to the NYS DEC and the ACOE and is currently under review,
4. NYS DEC Wetland Disturbance - See item #3 above,
5. NYS DEC Multi-sector General Permit - The application for this permit will be filed prior to the start of manufacturing operations,

6. UCDOH Water Supply - There is an existing well on site. The application for the two proposed wells will be submitted once the SEQR process is complete.
7. UCDOH Wastewater Discharge - The proposed septic system was approved by the UCDOH on March 7, 2019.

"It is unknown at this time if a Mined Land Reclamation Permit from NYSDEC is going to be required. The applicant should provide a determination from the NYSDEC if this permit is required. If the permit is required, a copy of it should also be provided to the Town as well. "

It has been stated by the NYSDEC, most recently in their June 12, 2020 Request for Additional Information, that the Department requires all local, state and federal permits to be issued prior to making a determination regarding the need for a Mined Land Reclamation permit. The applicant will file an application for this permit if required by the NYSDEC.

Site Plan:

- 1) *"Sheet 2 of 21: The applicant should provide additional information as to the use of the truck scale. It should be clarified what its purpose is during the 'crushing' phase of this project".*

Response: The truck scale will be used to weight the crushed aggregate that is being removed from the site. The applicant intends to remove the scale once the construction phase of the project is complete.

- 2) *"Sheet 6 of 21; Additional information should be provided about the 15-foot proposed sound berms. It is unclear as to the size of the crushed stone that will be used and what mechanism will be in place to repair any failures throughout the duration of the crushing."*

Response: The applicant intends to use small boulders, rip rap and coarse crusher-run (#1) to construct the berms. Berms will be regularly inspected, and any failures will be repaired with one of the excavators on site. A revised detail of the sound berm can be found on Sheet PH-2 of the attached site plan.

- 3) *"Sheet 6 of 21; Several of the proposed sound berms are along the edge of the construction limits; however, the current site plan includes dry swales directly adjacent to several berms. The applicant should review, and revise as needed to be sure the dry swales can be accessed for maintenance after the site is constructed"*

Response: The only permanent swale to remain behind a sound berm is a diversion swale, which is simply a depression in the ground that is anticipated to need little to no maintenance. Any maintenance that may be required, such as the removal of fallen tree limbs, can be done without the use heavy equipment.

- 4) *"Sheet 12 of 21; The applicant has provided a landscape plan, which includes the installation of 30 trees (Norway Spruce and White Pine) approximately 8 feet in height at planting; the applicant should clarify if a lifespan guarantee will be provided and conform that the trees will be replaced if they do not survive the full anticipated lifespan."*

Response: A note has been provided on the landscaping plan indicating that any dead or diseased trees along the landscaped berm will be replaced.

Blasting Plan:

- 1) *"A generic blasting plan has been prepared outlining the steps the applicant will take to prepare a site-specific blasting plan. A specific blasting plan should be prepared and submitted for review and approval by the Town prior to commencement of blasting activities."*

Response: A site-specific blasting plan will be prepared and submitted to the Town for approval prior to the commencement of blasting activities.

Water:

- 1) *"The applicant has provided a supplemental report from Miller Hydrogeologic Incorporated. This report indicates that existing well BW-1 will use approximately 150 gallons per day while proposed wells BW-2 and BW-3 will use 2375 and 375 gallons per day, respectively. This seems to be inconsistent with what has been stated previously by the applicant. It was previously discussed that 900 gallons of an expected 2900 gallons was for the employees within the two proposed buildings and that the remaining 2000 gallons per day was for the manufacturing process within the two buildings. Please clarify."*

Response: Existing well BW-1 serves the existing warehouse, where 10 of the 60 anticipated employees will be working and account for an anticipated usage of 150 gallons per day. The remaining 50 employees will work out of the two proposed buildings (25 employees per building) and each building will have its own well.

Proposed Well BW-2 will serve the building containing the concrete manufacturing operation. 25 employees will work there and will thus require 15 gpd each. An additional 2000 gpd will be needed for the concrete manufacturing processes, therefore a total of 2375 gpd will be needed from Well BW-2.

Proposed Well BW-3 will serve the steel fabrication. No concrete manufacturing will occur in this building therefore water usage in this building will be limited to the service of 25 employees, thus requiring only 375 gpd from well BW-3.

When added altogether, 60 employees each using 15 gpd will require a total of 900 gpd. The concrete manufacturing process will need an additional 2000 gpd therefore there is no inconsistency of flow numbers in the hydrogeologic report.

- 2) *“Also, the current site plan does not show any proposed waterlines between the wells and buildings. The applicant should clarify how the water will be transported between the wells and buildings if the above daily demand values are correct. Also, if the daily demand values for each well is adjusted, the drawdown map should also be adjusted to represent the corrected values.”*

Response: As stated prior, each building will be served by its own well and piped directly from the well to the building. The interior layout of the buildings is currently under design therefore the exact placement of the waterline is yet to be determined.

We would also like to take this opportunity to respond to the public comment letters received since our last submission. The vast majority of the letters were form letters that addressed issues already discussed in prior submissions. New concerns were presented in the following submissions to the Town:

- A letter from John J. Privitera of CHA, dated June 12, 2019, sent as an attachment to the June 17, 2019 letter from Kim Ellman of OSI.
- A hydrogeologic report from Paul Rubin of Hydroquest, dated May 5, 2020, sent as an attachment to a June 4, 2020 letter from Claudia Braymer of Braymer Law,
- An archaeological report from Paul Rubin of Hydroquest, dated May 5, 2020, sent as an attachment to a June 4, 2020 letter from Claudia Braymer of Braymer Law, PLLC. This report has been addressed in a Phase 1B Archaeological Addendum prepared by Joe Diamond, PhD on October 6, 2020 and uploaded to the NYS Cultural Resource Information System (CRIS) on November 11, 2020.
- A sound study review from Change Environmental, dated March 16, 2020. This review has been addressed in a revised sound study prepared by Phillip Grealy of Maser Consulting, to be submitted under separate cover.

- Sound study review from Thomas Baird of Barton & Loguidice, dated May 28, 2020, sent as an attachment to a June 4, 2020 letter from Claudia Braymer of Braymer Law. This letter will also be addressed by the sound study recently prepared by Maser Consulting.

June 12, 2019 letter from CHA

Impacts on Surface Water and Wetlands

The consultant posits the isolated onsite wetlands and their connection to offsite wetlands have not been thoroughly analyzed. In fact, the wetlands were initially studied by H2H Consultants and studied in more detail by biologist Michael Nowicki, who is also a certified wetland delineator and bog turtle surveyor. The results of these studies have been submitted to the Town and the wetland delineation has been certified by the NYSDEC. As noted prior, the applicant has applied to the NYSDEC for wetland and stream disturbance permits and will abide by all directives from the NYSDEC and ACOE regarding protections to Pickerel Pond and NYSDEC Wetland KW-3.

Flora and Fauna

The consultant posits that the applicant has not adequately studied the site for the existence of threatened or endangered species. As noted by CHA, a site-specific Threatened and Endangered Species report was prepared by project biologist Michael Nowicki that is based on the species list provided by US Fish and Wildlife Service. Given that the site is an abandoned junkyard and quarry that had been stripped of all vegetation and overburden during the mining operation, further study of potential habitat for unprotected species appears unwarranted. As stated prior, the applicant will abide by all permitting directives issued by the DEC regarding protection of adjacent habitats.

Stormwater Management

1. 5-acre Disturbance Limit - The applicant will apply for a waiver allowing for greater than 5 acres of disturbance.
2. Impervious Area -For redevelopment projects, the future impervious area within the disturbed area is used to define the increase in impervious area as described in Item #2 of the NOI. The total site area is 110.6 acres, 26.0 acres of which is currently covered by impervious area (23.5%). The proposed plan calls for 3.8 acres of additional impervious area (ie "future impervious area") resulting in 29.9 acres (26.9%) of total impervious cover once construction is complete. The SWPPP will be revised to show 3.8 acres of future impervious cover.
3. Depth of Water Quality Basins - As shown on the site plan, the permanent pools are \pm 7' to 8' in depth as recommended in the 2015 NYS Stormwater Management Design Manual. The 12' depth indicated in the Hydrocad models includes the additional depth needed for the temporary rise of water that will occur during major storm events.
4. Dam permit - As discussed above, the proposed water quality basins do not meet the criteria for a NYSDEC Dam permit.

5. There is some confusion regarding the proposed discharges to ponds D & E. These ponds are considered part of the Praymaher Brook, a C(t) stream complex as determined by the NYSDEC. The applicant will apply for all necessary NYSDEC permits regarding the construction and use of these proposed outfalls.
6. CHA indicates the proposed plan lacks adequate erosion and sediment controls. Contrary to their assertion, in addition to silt fencing and filter socks, the plan shows a series of vegetated swales designed to capture and treat stormwater while conveying the flow to the water quality basins for further treatment.

Noise Impacts

A revised noise study has been prepared by Maser Consulting and has been submitted to the Town under separate cover. This report addresses the concerns regarding noise.

Visual Assessment

View sections have been provided as part of the site plan submissions and illustrate the surrounding topography will shield the site from view of Route 28, the neighboring homes and the Onteora Lake trail system. Due to the facilities proximity to Pickerel Pond, a berm planted with 8' tall Norway Spruce and White Pine in order to mitigate any visual impacts from the pond. Furthermore, the NYSDEC has retired the visual assessment form and now addresses visual impacts as part of the updated Full Environmental Assessment Form.

Traffic Assessment

The NYSDOT has reviewed the application and we have prepared the highway entrance in accordance with their recommendations.

EAF Form Review

It appears that the EAF addendum and revised EAF form was not reviewed by CHA, as many of the concerns listed have been addressed in these revisions.

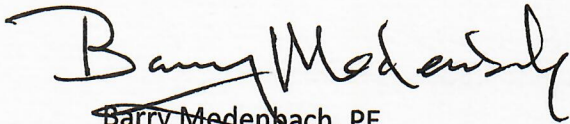
1. The form does indicate that the area is within the Hudson River Heritage Area, the Catskill Preserve, and is adjacent to state forest and DEC park lands. OPRHP has been informed of the project and correspondence with the agency is included with the EAF addendum submitted with the revised FEAF.
2. Please see the Stormwater section above regarding the Praymaher Brook.
3. The manufacturing facilities will not be heated or cooled. Diesel emissions were indicated on the FEAF. High-efficiency equipment will be used for the manufacturing facility and the applicant may pursue LEED certification for the proposed buildings. The maximum throughput volume of the crushers is below the threshold requiring NYSDEC air quality permits.
4. The EAF does indicate that there will be dust and diesel emissions as a result of this project.
5. As indicated in the EAF addendum, in order to mitigate noise impacts during times of high use at Onteora Lake, there will be no drilling or blasting on weekends.
6. 17 of the 19 acres of "forest" to be removed is scrub brush and small diameter trees that have taken root in the unreclaimed talus piles left by the former mine operation.

6. 17 of the 19 acres of "forest" to be removed is scrub brush and small diameter trees that have taken root in the unreclaimed talus piles left by the former mine operation. The vegetative buffer provided by the remaining 72 acres of undeveloped land will remain untouched.
7. Heavy equipment will be refueled via a mobile fuel truck. There will be no onsite storage of diesel fuel. No backup generator is proposed for the site.
8. Trash will be collected in dumpsters and removed by a licensed solid waster hauler. No solid waste will be disposed of on site.
9. As mentioned prior, the applicant has not hidden the fact that the site is located adjacent to recreational lands and is indicated as such on the EAF form and the site plan set.
10. See item #9 above.
11. See item #10 above.

The remainder of the comments in the section entitled "EAF Form Review" have all been addressed in the revised EAF form and Section 12 of the EAF Addendum.

If you have any questions on the above or need additional information, please do not hesitate to contact our office.

Sincerely,



~~Barry Medenbach~~, PE
NY License No. 60142

cc: John Konior, Town of Kingston - Chairman
Tom Auringer
Dominic Cordisco
Tim McColgan

Attachments:

850 Route 28 SWPPP, revised
850 Route 28 Site Plans, revised March 3, 2021
Letter from M&E to PB, Response to Comments, dated Feb. 27, 2020
Addendum to Bedrock Well BW-1 Testing Final Report, dated February 3, 2020, Miller Hydrogeoloic
Noise Evaluation, dated March 9, 2021, prepared by Maser Consulting
Letter from Maser to McColgan, re Change Environmental review, dated March 10, 2021
Letter from Maser to McColgan, re M. Resnick of WLC, dated March 10, 2021