

# Medenbach & Eggers

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June 7, 2019

Division of Environmental Permits, Region 3  
ATTN: Michael Grosso  
21 South Putt Corners Road  
New Paltz, NY 12561-1620

Re: 850 Route 28 LLC, Site Plan  
Town of Kingston, Ulster County

CHID: 7784

#### Public Comment Letters:

Open Space Institute – May 16, 2019 to NYSDEC

WoodStock Land Conservancy – May 16, 2019 to NYSDEC

Catskill Mountainkeeper – May 16, 2019 to NYSDEC

Catskill Center – May 16, 2019 to NYSDEC

Email from Individual dated June 7, 2019 to NYSDEC – Individual name redacted

Dear Mr. Grosso,

Please be advised that all the issues raised in the comment letters listed above on the 850 Route 28 LLC project have previously been addressed and do not cause the need for any further studies or remediation. The following is our summary response to the concerns in the comment letters.

#### **1. Consistency with Community Plans**

There are several areas around the project site that are industrial in nature and the project site has had prior mining activities. The projects property is specifically zoned for Industrial use. Prior to this application, Auto dismantling was approved and conducted on the site. The proposed action is not inconsistent with County or town Plans. The proposed project is taking an existing un-reclaimed stone quarry and developing it into a usable area used for concrete and steel manufacturing.

## **2. Insufficient SEQR Analysis**

The project may impact 35 acres, however over 27 of the acres have been previously disturbed and un-reclaimed. The Planning Board issued proper notification for the public hearing being held in March. The Town of Kingston Planning Board has a certified mail receipts for all the neighboring property owners on the tax roll record. All of the issues in the public comment letters were considered by the Town of Kingston Planning Board being lead agency when the Negative Declaration was approved.

## **3. Traffic Impacts**

The existing Annual Average daily traffic for NYS Route 28 is 15,000 vehicles at the existing driveway. The maximum of 121 new vehicles entering and exiting the site will not significant increase the existing traffic. Section 5.0 of the revised November 8, 2018 Creighton Manning Traffic Assessment prepared for the project concluded that Tractor-trailers can safely enter and exit at the existing driveway location. The project is required to get a Highway Work Permit for the commercial entrance from the NYSDOT. The project is currently being reviewed by the NYSDOT. There is to be little to no impacts of traffic pollution and noise on the adjacent OSI property and Wild forest. The proposed project does not share a connecting road with the recently acquired OSI property and trucks within the project site will produce less noise than the existing traffic along NYS Route 28. The residents along Waughkonk road will not be able to see truck traffic along the driveway and within site due to terrain and tree coverage throughout the site. See attached Traffic Assessment revised

## **4. Aesthetic Impacts**

It is not possible to see any of the proposed work areas from NYS Route 28. The closet excavation, blasting and processing of material is a minimum of 1400 feet away from NYS Route 28. There are 7 residences south of the proposed excavation and blasting area within 1500 feet with the closest being 500 feet. Onteora Lake is approximately 1500 feet west of the closest excavation and blasting area. Remaining tree cover you cannot see the proposed work areas from any of the 7 residences or Onteora Lake. However, there is a trail accessed from the Onteora Lake Trailhead Parking that leads to a spot on the west side of Pond A (see sheet I-1 for location of Pond A "Pickerel Pond") where there is an obscured view of the project site. With little to no visibility of the project site from public spaces, we propose to maintain the existing trees within at least 50 feet of the property line to mitigate visual impacts to the surrounding properties. Attached are two line of sight sections to determine the lack of visual impact from the proposed project.

## **5. Water Quality Impacts**

A SWPPP for the proposed project has been prepared in accordance to the New York State Stormwater Design Manual and complies with the General Permit (GP-0-15-002) for the stormwater discharge from the proposed construction activities. No new point discharges across the projects property lines will be created from the proposed project. 4 of the 8

Stormwater design points indicated in the SWPPP are proposing no changes to the existing stormwater runoff. The other 4 stormwater design points will significantly reduce the peak flows off the property. The proposed buildings, parking areas and roads stormwater will first be treated using dry swales that infiltrate water through a layer of sand before discharging into one of two large Water Quality Ponds. The property that discharges stormwater toward Pond A “Pickerel Pond” is proposed to be greatly reduced. None of the projects new impervious surfaces will discharge into Pickerel pond. Currently Pickerel Pond discharges to the south during heavy rain events into the proposed projects property and flows as part of the Tributary 6 of Praymaher Brook. Therefore there should be no contamination of Pickerel Pond from the proposed project.

## **6. Noise Impacts**

The Onteora Lake Trailhead and Parking lot is located over 2,200 feet away from the proposed crusher location and has an approximate 70 foot difference in elevation with a ridge between Trailhead and crusher. The area between the proposed crusher location and Onteora Lake is also heavily forested (see attached line of sight sections). Therefore, the noise from the crusher that reaches the Trailhead and Parking lot would be less than the noise to the two residential houses mentioned in the report. The crusher is a temporary noise impact that will go away after construction is completed. The existing Eastern Materials mining operation which is in close proximity of the proposed trails runs crushers as a normal part of their daily operations.

The excavation, blasting and processing of the rock material on site during construction is to be performed within the limit of disturbance shown on the current site plan and during normal weekday work hours (No Sundays or holiday construction). All machinery used during the excavation and processing shall not exceed regulated noise levels. Any processing of rock shall be done on a level area near the blasting and excavation. Hours for construction will be limited to 7am to 6pm on weekdays, 7am to 12 pm on Saturdays and no construction on Sundays or Holidays. Due to the distance, construction timeline, tree cover, and that the construction work will be 20 to 30 feet below the adjacent grade of the residences we believe the potential noise impact will be limited as concluded in the previously submitted Noise Study

The Habitat Suitability Assessment performed concludes that proposed blasting will not interfere with the closest known hibernacula. As long as tree clearing occurs during the clearing restrictions, the bats will not be on site and therefore not likely to be adversely effected. No blasting or construction operations are anticipated on the site at night and therefore should not disturb the bats at night.

## 7. Impermissible Segmentation

The Full EAF Part 1 on page 7 of 13 indicates that the facility will need to have 24 hour operation. The third shift is needed for maintenance, up keep, set up, break down, removal of materials and safety duties. The majority of third shift will be inside the manufacturing buildings with a maximum estimate of outside employees will range from 2 to 4 as necessary. The work hours for Construction are only to be during the day.

## 8. Water Usage

The water usage on site for the two manufacturing buildings is estimate to be 2,900 gallons per day. The water usage for the site estimates 2000 gallons per day for the proposed concrete manufacturing building and 900 gallons per day for the employees. The projects applicant currently operates a concrete manufacturing facility where they collect rain water for use in the concrete manufacturing processes. The applicant plans to collect rain water within the proposed concrete facility. Attached is the Bedrock Well BW-1 Testing Final Report that was performed on the existing well on the site. The Testing Final report finds that the existing well on site was able to produce 5.0 gpm (7200 gpd) or approximately 2 times the average daily usage.

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

Sincerely,



Caleb Carr EIT



Barry Medenbach P.E.

Medenbach and Eggers Civil Engineering and Land Surveying PC

Cc: John Konior, Town of Kingston, Chariman  
Ryan Loucks, Crawford Associates Engineering, PC  
Dan Lefever  
Timothy P. McColgan Attorney at Law

Attached: Line of sight Sections

Supporting documents available upon request:

- Wetland Mapping and Affected Area-Habitat Assessment dated August 16, 2017
- Creighton Manning Traffic Assessment dated November 8, 2018, Amended January 17, 2019 and May 1, 2019.
- Noise Study by H2H Associates LLC last revised February 15, 2019
- Blasting Plan by H2H Associates LLC last revised February 15, 2019
- Threatened & Endangered Species & Habitat Suitability Assessment Report last Revised February 18, 2019
- SWPPP by Medenbach and Eggers last revised May 14, 2019
- Bedrock Well BW-1 Testing Final Report – Miller Hydrogeologic Incorporated dated May 28, 2019