

# Medenbach & Eggers

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February 27, 2020

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. Ryan Loucks,

The following is our response to Crawford & Associates memo dated December 18, 2019 outlining concerns on the 850 Route 28 project. Also attached is a summary on the Sound Studies and our response to several public comments on the Sound Studies. The Attachments at this letter can be found in the Revised Addendum with attachments.

**Permit:**

1. *"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. "*

Yes, a Mined Land Reclamation Permit could be required by the NYS DEC. However, the March 15, 2019 letter from the NYS DEC to you states, "it is the Department's position the construction project as proposed may not be subject to the jurisdiction of the Article 23, Title 27 Mined Land Reclamation Law (MLRL)." Please also see our response on page 6 of our February 26, 2020 comment letter to the Town of Kingston planning board chairman about the Mined Land Reclamation Permit.

**Site Plan:**

- 1) *"An easement for pedestrian access has been identified along the entry road of the site, previous correspondence from the applicant's engineer (letter dated July 3, 2019) indicated a note will be added to the site plan. After review of the submitted site plan, a note could not be located. The applicant should review and revise accordingly."*

Response: The DEC has indicated that they do not have any plans to install a pedestrian access trail at this time. A note regarding the existing easement has been placed on Sheet SP-1 of the February 25, 2020 revision of the site plan.

- 2) *"Sheet 2 of 20; A proposed truck scale location is noted on this site plan sheet; however, it is not included within the phasing plan Sheet 5 of 20. The applicant should review and revise as needed."*

Response: The truck scale has been added to the Phasing Plan, in the vicinity of the existing building.

- 3) *"Sheet 5 of 20; It is noted that the Phase 1 dry swales will remain in place during Phase 2 Construction. Per Detail 3 on Sheet 14 of 20, an underdrain pipe and permeable soil is proposed at the base of the swale. It is recommended that the applicant review this phasing as the dry swales may become sediment laden during Phase 2 construction. Additionally, it is recommended a note be added requiring the inspection/maintenance of the dry swales at the end of Phase 2 construction to be sure no sediment has filled the permeable soil or underdrain."*

Response: There is a note the end of Phase 2 Construction Notes on the Phasing Plan indicating that after rock crushing has been completed, all sediment is to be removed from all swales and sedimentation basins.

- 4) *"Sheet 5 of 20; The phasing plan indicates that the aggregate storage area will be used within Phase 1, the applicant should clarify if the roadway (which is currently included in Phase 2 activities) will need to be installed to access the aggregate storage area."*

Response: The aggregate storage area will be accessible from Phase 1. The rock processing area is on the same plane as the storage area.

- 5) *"Sheet 6 of 20; The applicant has proposed a number of sound berms 15' in elevation. It is recommended that the applicant provided construction notes relating to any compaction and or lift requirements for the construction of the sound berms."*

Response: The sound berms will be constructed with crushed stone placed at a 1:1 slope without lifts and will be stable as designed. Furthermore, the majority of the sound berms are temporary and will be removed once construction is complete.

- 6) *"Sheet 6 of 20; 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 completed."*

Response: The swale on the east side of the swale is diversion swale, not a dry swale and will require minimal maintenance and can be accessed for this purpose. A diversion swale detail has been added to Sheet D-2.

- 7) *"Sheet 11 of 20; It is noted on the Soil Erosion and Sediment Control Plan that silt fence is to be installed, given the amount of rock on the site an alternate product such as a filter sock may be more appropriate."*

Response: A filter sock detail has been added to Sheet D-3 and noted in the Legend on sheet SESC-1.

- 8) *"Sheet 11 of 20; It is noted that the truck scale location is outside the limits of disturbance noted on the Soil Erosion and Sediment Control Plan. The applicant should clarify if any soil disturbance is required for the installation of the truck scale, if so, the soil erosion and sediment control plan should be updated accordingly."*

Response: The truck scale is a temporary feature and will be removed once rock-removal activities have been completed. Minimal soil disturbance will be required for the temporary installation of this scale and the Soil Erosion and Sediment Control Plan has been revised to include this feature.

- 9) *"Sheets 19 & 20 of 20; it is noted that rooftop solar panels are to be installed on each of the building. It should be noted per section 425-93A. (2) Height. Solar energy systems shall not exceed the maximum allowed height of the underlying zoning district. The current building elevations show the peak of the structure to be 34 feet and the which is 1 foot lower than the maximum allowed in the zoning district. The applicant should review and revise if needed"*.

Response: The solar panel are to be installed flat on the proposed building's roof with no tilt. The racking and solar panel thickness is approximately 6 inches and are not proposed to exceed the 35' height limitation.

### **Noise**

- 1) *"The revised noise study included expected maximum noise volumes for Onteora Lake and the Recreation Trail; however, the study did not include a predevelopment volume. The applicant should clarify if predevelopment data was collected for these locations."*

Response: The predevelopment data was collected at the property line and not offsite. The offsite sound levels were calculated based off the construction activities and projected to Onteora Lake and the Recreation Trail.

### **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 submitted to the Town for review prior to the start of blasting activities. The blaster will provide seismographic monitoring at the blast site and at the nearest receptor. Additional monitoring can be requested in conjunction with requests for pre-blast surveys.

### **Stormwater:**

- 1) *"Section 1.9 has been added to the SWPPP that discusses the long-term operation and maintenance and who will be responsible for it. This section directs the reader to Section 1.2 of the SWPPP for the owner/operator who will be responsible for the long-term operation and maintenance. However, it is noted that Section 1.2 leaves the information blank (as does the Notice of Intent Question #38). Please revise as necessary to indicate the entity responsible for the operation and maintenance."*

Response: Tom Auringer of 850 Route 28 LLC will be responsible for operation and maintenance. The SWPPP and NOI have been revised accordingly.

- 2) *"Appendix D.1 of the SWPPP includes an incomplete Notice of Intent (NOI). We note that Question # 36 and #38 are not completed. The applicant should review and revise accordingly."*

Response: The absence of the response to Question #36 was discussed in Question #39 of the NOI. The CPV was not provided because this is a redevelopment project and there are no changes to the hydrology that would result in an increase in the discharge rate. We completed question #38 for the NOI, 850 Route 28 LLC will be responsible for the long-term Operation and Maintenance.

- 3) *"The following comments are related to the erosion and sediment control plan.*
- a. *Sheet 15 of 20 includes a maximum height of the rock check dam at 24 inches. The applicant further indicates that the proposed rock check dams will be used as pretreatment for the dry swales. The applicant should provide the calculations for the spacing and volumes associated with the pretreatment.*

Response: The calculations for the check dam height and spacing have been provided in the revised SWPPP in appendix H. The check dam height and spacing has also been added to sheet SESC-1 of the Site Plans.

- b. *Sheet 12 of 20; Site Inspection Frequency #1, indicates that inspections will be conducted twice every (7) calendar days. This frequency of inspection would be typical of a site that has received written authorized by the NYSDEC to disturb greater than (5) acres of soil at any one time. If the intent is to disturb greater than 5 acres at any one time, the applicant should provide the letter of authorization from the NYSDEC to proceed with this disturbance.*

Response: The DEC form HC-209 "Notice to Disturb Greater Than 5 Acres of Soil" will be filed with the Stormwater Pollution Prevention Plan, as directed on the said form. The authorization cannot be issued prior to issuance of the corresponding SPDES permit and as stated in the March 15, 2019 DEC letter to the Town Engineer (Appendix D), the DEC cannot process the permit application prior to the Town issuing their final determination of significance on the project. The applicant will apply for all local, State and Federal permits required for the project and will not proceed until all approvals are issued.

## **Water**

- 1) *"It is noted that neighboring wells were not monitored during the pump testing of the existing well. The applicants engineer indicated they were following the direction of the Ulster County Department of Health. The applicant should provide correspondence with*

*the Department of Health which confirms their acceptance of the testing procedure that was followed."*

Response: The Hydrogeological Engineer, Robert Miller, has submitted a response letter dated February 3, 2020 regarding the testing and/or monitoring of neighboring wells. He concluded that the projects will have no significant groundwater drawdown outside of the project boundaries.

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

Sincerely,



Caleb Carr, PE  
NY License No. 102177

Cc: John Konior, Town of Kingston - Chairman  
Tom Auringer  
Dominic Cordisco

Attachments:

2020 02 25 850 Route 28 SWPPP

2020 02 25 850 Route 28 Site Plans

2020-02-27 M&E to PB, Response to Comments

Addendum to Bedrock Well BW-1 Testing Final Report dated February 3, 2020