

January 29, 2025

John Razzano, Chairperson
Wawayanda Planning Board
80 Ridgebury Hill Road
Slate Hill, NY 10973

RDM, Dewpoint North – Dolsontown Road (RDM #4)
SBL: 4-1-50.2
Town of Wawayanda, Orange County, NY
Colliers Engineering & Design Project No. 20006912D

Dear Chairperson Razzano and Members of the Planning Board,

Below please find our responses to comment letters received from MHE Engineering dated October 10, 2024, and October 18, 2024. The comments have been repeated here for clarity:

Comment 1: The project is before the Planning Board for a continuation of the Public Hearing for the Site Plan and Special Use Permit. Warehouse, storage and distribution facilities are a Special Use in the MC-1 Zoning District. 195-76 Special Use Review Criteria apply to the project. Planning Board must review the project in the content of this code section.

Response 1: Comment noted. No response needed.

Comment 2: A 239-review letter from Orange County Planning was received 28 August 2024. The applicant's representatives have addressed the Advisory County Planning comments in a letter to the Planning Board dated 11 September 2024.

Response 2: Comment noted. No response needed.

Comment 3: Attached under cover of this memo are SWPPP technical comments.

Response 3: The referenced comments have been responded to herein.

Comment 4: The applicant's representatives have submitted responses to comments from the 11 September 2024 Public Hearing. The Planning Board should review comments with regard to adequacy of the responses. Any additional comments received at the continuation Public Hearing should be further addressed by the applicant's representative and evaluated by the Planning Board.

Response 4: A separate response memo to the public hearing comments has been provided under separate cover.

Comment 5: Health Department approval for water main extension with hydrants is required.

Response 5: The applicant has received approval from OCDOH for the site water main extension with hydrants on 12/18/24.

Comment 6: Pursuant to discussions with the Planning Board at previous meetings the building set back line from the eastern property line was increased from proposed 15 feet to 31 feet. Revise grading was undertaken in this area and landscaping has been incorporated into the side yard setback. The Planning Board should review the proposed landscaping along the eastern property with regard to screening of the residential parcel located to the east.

Response 6: The Town's Landscape Architect issued a memo dated September 3, 2024 indicating that the previous comments have been addressed to his satisfaction and recommends the board accepted revised Landscape Plans.

Comment 7: A snow storage area is depicted in the vicinity of the eastern property line. This would appear to impact proposed landscaping in this area.

Response 7: The referenced snow storage area has been revised to avoid the landscaping comment as suggested, and an additional snow storage area has been indicated near the rear of the site.

Comment 8: The NYSDEC is proposing changes to the Wetland Regulations. Changes to the NYSDEC Wetland Regulations may affect DEC jurisdiction on the wetlands on the property.

Response 8: Comment noted. The new DEC regulations provide for a grace period on projects which received a SEQRA negative declaration prior to January 1, 2025, which applies to this project. The SEQRA Negative Declaration was adopted by the Planning Board at the 8/14/24 meeting making this project exempt from the new DEC wetland law during the applicable grace period.

Comment 9: The applicant's representatives are requested to provide updated Noise Study based on the relocation of the building. Noise impacts to the properties to the east should be specifically identified. Information on background noise levels taken during late night or early morning hours should be received.

Response 9: An updated Noise Study Memo report (provided under separate cover) was prepared to address the revised site plan depicting the current building location and to also address nighttime noise levels. These nighttime levels were collected in November 2024 between the hours of 1:00 AM and 5:00 AM. This addresses subsection D of Section 195-23 of the Town Code.

Comment 10: The project will be subject to a Developer's Agreement which must be executed with the Town Board. Developer's Agreement must address all off-site improvements including roadway, water and sewer and site improvements including stormwater erosion control.

Response 10: As previously discussed with the Planning Board, the applicant will enter into a developer's agreement with the Town that covers the items noted above. Signing a developer's agreement will be a condition of the Board's approval.

Comment 11: The project will require a Stormwater Facility Maintenance Agreement to assure long term operation and maintenance of the proposed water facility.

Response 11: Comment noted. The applicant will prepare a stormwater management easement agreement after the Town's approval of the SWPPP. Approval and execution of the agreement will be a condition of the Planning Board's approval which must be completed prior to the final site plans being signed by the Planning Board Chairman.

SWPPP

Comment 1: Remove the exfiltration from all bioretention basins that have underdrains. If exfiltration is to be used there cannot be an underdrain and infiltration soil testing based on the NYSDEC Stormwater Design Manual must be performed for each filtering basin.

Response 1: As discussed with the reviewing engineer, the exfiltration is being routed to the outlet structure and is not being discarded. This approach accounts for the time it takes for the water to travel through the bioretention media to the underdrain system.

Comment 2. Bio-1D and Bio-1E must have an outlet not more than 6" off of the bottom of the basin, currently the lowest orifice is 1 ft. from the bottom of the basin. F these basins are to be considered bioretention basin then the first orifice must be located a maximum of 6" from the bottom of the basin.

Response 2: The current design for the ponds follows the example provided in the NYSDEC Stormwater Design Manual and claim the maximum 6 inches of ponding for an outlet set 12 inches above the bottom of the basin. The ponding depth that is claimed is a time-based average depth rather than a height-based average depth. This methodology can also be found in the forthcoming new 2025 version of the stormwater design manual therefore is consistent with the intent of both manuals and the intent of the NYSDEC for design of bioretention ponds.

Comment 3. Bio-1C and Bio-1E must be located at least 10 ft. from the proposed building to be in compliance with the NYSDEC Stormwater Design Manual.

Response 3: As discussed with the reviewing engineer, the filtration media (bottom of basin) is located at least 10 ft. from the proposed building, the basin elevations are below the finished floor elevation, and no basement is proposed in the structures. We understand this approach to be acceptable and the comment is addressed.

Comment 4. Show the Floodway on the plans and verify the location of the flood plain limits.

Response 4: The floodway is shown on the plans and the limits have been verified via online mapping.

Comment 5. TR-55 defines the TC path as “the time for runoff to travel from the hydraulically most distant point of the watershed to a point of interest within the water shed.” The existing TC path which is shown as just sheet flow into the Mohagen Brook does not meet the requirements for a TC path as defined by TR-55, revise the existing TC Path accordingly.

Response 5: As requested, the TC Path has been revised to the furthest corner of the site, which is coincidentally both the hydraulically and physically most distant point on the site. The requested revision to the TC resulted in no change from the former TC and did not impact the model, however, has been revised at the request of the reviewing engineer.

Comment 6. The SWPPP report states that 1.93 acres of new impervious is proposed while the water quality calculation only accounts for 1.89 acres of impervious area. Revise the report for consistency.

Response 6: The SWPPP report has been revised to show 1.93 acres of new impervious area accounted for in the water quality calculations as requested.

Comment 7. Show how the proposed project is meeting the NYSDEC’s requirements for being within the 303(d) impaired surface waters watershed for the Monhagen Brook which has pollutants of concern for Total Dissolved Solids and Total Phosphorus.

Response 7: As discussed, the SWPPP report includes enhanced erosion and sediment control methods and notes for being within the 303(d) impaired surface watershed. These implementations are reflected within the SWPPP and on the site plans. General enhanced erosion and sediment control measures have been developed through our firms experience in erosion and sediment control practices, since the DEC manual lacks any definitive criteria for the term.

Comment 8. Additional comments may be required as further information is provided.

Response 8: Comment noted. No response needed.

If you have any questions regarding the above project responses, please feel free to call me at (845) 875-4950. We look forward to the continued discussions with the Board on this project at the next available meeting.

Colliers Engineering & Design, Architecture, Landscape Architecture, Surveying, CT P.C.

Cory Robinson, P.E.
Project Manager

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