

April 3, 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 the following comment letters received:

- MHE Engineering dated February 5, 2025
- MHE Engineering- received February 18, 2025 & incorrectly dated September 26, 2024
- Nelson Pope Voorhis (Bonnie Franson), dated February 11, 2025.

The comments have been repeated here for clarity:

**MHE Comments (February 5, 2025)**

Comment 1: The applicants have submitted additional information including a Noise Study and Air Impact Study. It is recommended the Planning Board submit these studies to the Planning Boards Air and Noise Consultant EA Engineering for review.

**Response 1: Both studies were submitted to the Town's consultant, EA Science and Technology and EA Engineering and Geology, P.C. Comments on the Air Analysis were received on March 17, 2025 and comments on the Noise Analysis were received on March 26, 2025. Both will be responded to under separate cover within this package.**

Comment 2: A revised SWPPP has been received dated January 2025 received 4 February 2025 which is under review by this office.

**Response 2: SWPPP comments have since been received and responded to herein.**

Comment 3: The project is before the Planning Board for a Warehouse Storage and Distribution Facility. This use is a special use MC-1 Zoning District. Special Use Criteria, Town Code 195-76 applied to the project. The Planning Board must review the project in content of this code section.

**Response 3: This comment is noted. No response required.**

Comment 4: The applicants have submitted responses to comments from the October Planning Board meeting. The Planning Board should evaluate the responses which regard to adequacy of responses.

**Response 4: This comment is noted. No response required.**

Comment 5: Snow storage areas have been modified pursuant to previous comments.

**Response 5: This comment is noted. No response required.**

Comment 6: The project will be subject to a Developers Agreement, which must be executed with the Town Board. Developers Agreement must address all off-site improvements including roadway, and sewer as well as site improvements including security for stormwater and landscaping.

**Response 6: 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 7: The project will require a Stormwater Facilities Maintenance Agreement to assure long-term operation and maintenance of the proposed stormwater facilities.

**Response 7: 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.**

Comment 8: It is requested that the Towns Traffic Consultant, Creighton Manning evaluate the length of guardrail along the frontage along the roadway and proposed retaining walls.

**Response 8: The referenced guide rail has been removed from the plans. We have made reference to the American Association of State Highway and Transportation Officials (AASHTO) publication "Roadside Design Guide", 4th Edition, 2011 wherein on Table 3-1, under the "Design ADT Over 6,000" combined with a Design Speed between 45-50 MPH and with a foreslope of 1V:6H or flatter, the suggested clear-zone from the edge of the through travel lane is 20-22 feet. The foreslope grade along the site frontage in the vicinity of the proposed retaining wall, between the edge of travel way and the right-of-way is approximately 1V: 12H at the east and 1V:8H at the west. The total distance between the edge of travel way and the retaining wall at the east is 36 feet and at the west is 24 feet. Based on the above, we do not believe the installation of guide rail is a necessity as ample clear-zone is available for errant vehicle recovery.**

**Comment 9:** The applicant's representatives are requested to evaluate the sanitary sewer manhole identified with a rim of 474.52 at the project entrance drive. This manhole is identified as being filled with water. In addition, it appears to conflict with proposed curbing.

**Response 9:** **The radius at the entrance drive has been increased so the manhole does not interfere with the proposed curb. The rim of the manhole is to be reset to match the proposed grade at this spot as indicated on the plans.**

**Comment 10:** Pursuant to previous comments the applicant's representatives have added additional requirements for the discharge to Monhagen Brook at 303D impaired water body. These notes are depicted on Sheet C-600.

**Response 10:** **This comment is noted. No response required.**

**Comment 11:** The applicant's representative are requested to confirm that all lighting is dark sky compliant.

**Response 11:** **Proposed Site Lighting is dark sky compliant.**

**SWPPP MHE Comments (February 18, 2025)**

**Comment 1:** The bioretention basins must meet the NYSDEC Stormwater Design Manual requirements. The 2015 manual requires an orifice 6" off of the bottom of the basin, while the 2024 manual allows for the orifice to be 12" off of the bottom of the basin. The basin cannot hold more than 18" of water during the 100-yr storm event. Currently, the proposed bio retention basins do not meet either design manuals. Revise the plans and HydroCAD model to meet one of the NYSDEC Stormwater Design Manuals and specify which one will be met. Please note that if the project is not built by January 29, 2027, the SWPPP will have to be revised to be in compliance with GP-0-25-001. Also the new stormwater manual has a maximum drainage area of 5 acres per bioretention basin, currently one basin has a drainage area of over 8 acres.

**Response 1:** **The bioretention basins have been revised to have an orifice 6" off of the bottom of the pond in conjunction with the 2015 NYSDEC Stormwater Design Manual. The plans and HydroCAD model have been revised accordingly. These site plans and SWPPP were designed in accordance with the 2015 NYSDEC Stormwater Design Manul and the GP-0-20-001.**

**Comment 2.** Show the Floodway on the site plans.

**Response 2:** **The site plans have been revised to show the Floodway as requested, see sheet C-200.**

### Procedural and General Comments

Comment 1. In general, as this application has been in front of the Planning Board since 2021, and NPV was retained in 2025, we defer to MH&E on the procedural process.

**Response 1: This comment is noted. No response required.**

### Site Plan Comments

#### Sheet C-100 (Cover Sheet)

Comment 1. With regard to the General Information Notes:

Comment 1a. Note 5 indicates the ACOE PCN is pending – please update as applicable and provide status.

**Response 1a: Authorization for the proposed wetland disturbance was granted by Brian Orzell at the ACOE on 11/21/24, a copy of this correspondence has been provided with this submission. Cover Sheet Note 5 has been revised to indicate this approval.**

Comment 1b. Note 7 suggests an Environmental Site Assessment was conducted. If so, were any Recognized Environmental Conditions encountered?

**Response 1b: A Phase I Environmental Site Assessment Report dated December 31, 2020 was prepared and is included with this submission. The assessment indicates there was no evidence of RECs and no further investigation was recommended.**

Comment 1c. Note 13 should be updated to reference the most recent studies.

**Response 1c: Cover Sheet General Information Note 13 has been updated to reference the most recent studies as requested.**

Comment 1d. Site Note 1 – We question whether this note should be deleted – this suggests the building could be moved or expanded.

**Response 1d: Cover Sheet Site Note 1 has been revised to state that any alteration to the building that would significantly change the footprint, increase the footprint, or encroach into any property line setbacks, would be subject to reapproval by the Planning Board. The intention of this note is to allow some minor flexibility to the exact building dimensions pending final architectural designs for the building or end-user requirements.**

Comment 1e. Site Note 5 – refuse is to be stored within outdoor roll-off containers – where will this be located on the site?

**Response 1e: A trash compactor will be located on-site and can be seen in the loading dock area on sheet C-300.**

Sheet C-200 (Existing Conditions and Demolition Plan)

Comment 2. In general, stream water quality classifications should be noted – Monhagen Brook is Class C in this location.

**Response 2: The label for the Monhagen Brook on sheet C-200 has been revised to include that it is a Class C Stream in this location.**

Sheet C-300 (Dimension Plan)

Comment 3. It would be useful to provide an outline on the building rooftop where the HVAC equipment will be located as per the Findings Statement.

**Response 3: The applicant has updated the drawings to provide a dashed line for the RTU locations on the plans and renderings which have been included with this submission.**

Comment 4. Are any property monuments to be installed – it is recommended for the shared easterly property line.

**Response 4: Property monuments are to be installed prior to the start of construction. Site Note 8 on sheet C-100 has been added to reflect this.**

Comment 5. Is signage proposed either on the building or installed on the ground?

**Response 5: Building signage will be permitted under a separate application, and it is the applicant's intent to propose signage as is permitted by the ordinance.**

Comment 6. The zoning chapter states: "The setback requirements in this chapter shall not apply to retaining walls or fences less than or equal to six feet high in any side or rear yard, except where corner clearances are required for traffic safety, and shall not exceed four feet in any front yard..." The retaining wall in the required front yard 7-10 feet in places. This may be allowed where the Planning Board approves the height as part of a site plan.

**Response 6: As suggested by the comment, Zoning Code grants the Planning Board the express authority to approve a taller retaining wall as part of its Site Plan review.**

Sheets C-301, 400, 410, 411, 500, 601, 900 (various)

Comment 7. We defer to MH&E and others.

**Response 7: This comment is noted. No response required.**

Sheet C-600 (Soil Erosion and Sediment Control Plan)

Comment 8. It is our recollection from the Findings that the easterly property line was going to be demarcated with orange construction fencing to avoid encroachment onto the neighboring property – while the LOD line is shown, it is unclear whether any silt fence or other barrier is being installed.

**Response 8: Orange construction fence has been added along the eastern property line on Sheet C-600. Site Note 8 on sheet C-100 has also been added substantiate this requirement.**

Sheet C-700 (Landscape Plan)

Comment 9. The following standard landscape notes are recommended:

Comment 9a. Landscaping shall be maintained for the life of the use.

Comment 9b. Dead or dying landscape materials shall be replaced during the next growing season.

Comment 9c. No substitutions shall be made without Town approval.

**Response 9: The above notes are included in the 'Landscape Notes' on the Landscape Plan, refer to Sheet C-700.**

Comment 10. As a general comment, what is the purpose of the variable tree planting heights, given some are located in the same general vicinity. For example, the PS and PS2 are located along the front yard, but some are 6-8 feet and others are 8-10 feet.

**Response 10: During the Site Plan review with the Planning Board, larger sized plant material was desired to establish screening at initial installation. The larger plant material is proposed along the eastern property line for screening to benefit the neighbor.**

Sheet C-800 (Lighting Plan)

Comment 11. The 3000 kelvin value specified in the SEQR documents should be included on this sheet. Are all of the luminaires available with 3000K fixtures?

**Response 11: A 'Color Temp.' column has been added to the Luminaire Schedule on the Lighting Plan (Sheet C-800) which confirms the 3000K for each proposed fixture.**

Comment 12. The grid ticks for this lighting plan and footcandles is appropriate.

**Response 12: This comment is noted. No response required.**

Comment 13. There is a single light pole at the entrance which is casting the maximum illumination level of 6.3 footcandles. IDA standards (Dark Sky compliance standards) recommend no more than 5 footcandles.

**Response 13: The above noted light pole (pole 'C' at the site access) has been modified to reduce the illumination output and reduce the maximum footcandle level at the fixture to 4.2. Refer to the Lighting Plan (Sheet C-800) for this revision.**

Sheet C-901 (Site Details)

Comment 14. The 4-foot chain link fence will be within 3-15 feet of the front property line – the specifications call for galvanized steel. Can something durable but more decorative, or black vinyl coated fencing be installed? It does not appear that the proposed shrubs in front of the retaining wall will screen it or the automobiles parked along the road.

**Response 14: Black vinyl coating is proposed on the above referenced 4-foot fencing for added durability and reduced visual appearance. The proposed parking area on the northern side of this retaining wall is at a minimum elevation of  $\pm 3.5$  feet lower than the top of wall, and therefore the parked vehicles will be screened by the wall. Based on the elevation difference noted above, the proposed plant material in front of the wall is not required to screen it. However, the plant material proposed in front of the fence will provide screening of it.**

Sheets C-902 through 906 (various)

Comment 15. We defer to MH&E and others.

**Response 15: This comment is noted. No response required.**

SEQRA Comments:

Comment 1. Findings. The application was the subject of a DGEIS, FGEIS and Findings Statement. NPV has no comments, except that an acoustical study was provided which needs to be reviewed – we believe the Town has retained an acoustical consultant.

**Response 1: This comment is noted. As indicated above, comments on the noise study were received on March 26, 2025 and have been responded to under separate cover within this package.**

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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