

April 3, 2025

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

RDM: Dewpoint South
Tax Lots: 4-1-50.32, 6-1-90.22, 6-1-90.24, & 6-1-107
Town of Wawayanda, Orange County, NY
Project No. 20006912E

Dear Chairperson Razzano,

Below please find our responses to the following comment letters received:

- MHE Engineering dated February 5, 2025
- MHE Engineering dated February 18, 2025
- Nelson Pope Voorhis (Bonnie Franson), dated February 11, 2025.

The comments have been repeated here for clarity:

MHE Technical Comments (February 5, 2025):

Comment 1. A revised SWPPP has been re-submitted dated January 2025, received 4 February 2025. The SWPPP is under review by this office.

Response 1: SWPPP comments have since been received and responded to herein.

Comment 2. The project is a proposed Warehouse Storage Distribution Facility. This facility is a special use in the MC-1 Zoning District. Zoning Section 195-76 Special Use Criteria apply to the project. The Planning Board must review the project in context of the Special Use Code Section.

Response 2: This comment is noted. No response required.

Comment 3. The project requires the abandonment of Caskey Lane. Town Board action for the abandonment of Caskey Lane is required. Ownership of all parcels on Caskey Lane and former roadway must be confirmed.

Response 3: The required approvals will be conditioned on completing the Caskey Lane abandonment through the Town Board as suggested.

Comment 4. The project must enter into a Developers Agreement with the Town of Wawayanda Town Board to address measures identified in the Findings Statement and Negative Declaration. Developers Agreement must also address water, sewer, traffic

improvements, soil erosion and sediment control as well as securities for off-site roadway improvements and stormwater management.

Response 4: 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 5. Health Department approval for the on-site water w/hydrants is required.

Response 5: Health Department approval was received on October 8, 2024 and has previously been provided to the Town.

Comment 6. Final approval from NYSDOT for all improvements at the Route 17M Dolsontown Intersection as well as other improvements within the Route 17M corridor will be required. Status of NYSDOT's approval for these improvements should be addressed. The applicant's representative are suggesting this can be a condition of the Board's approval. Input from the Boards Traffic Consultant, should be received.

Response 6: Final plan submission was made to the NYSDOT on Jan. 20, 2025. We received additional comments from the NYSDOT on 03/04/25. These have been addressed, and the revised plans and responses were resubmitted to the NYSDOT on 03/12/25. We are awaiting final approval.

Comment 7. Cross Access and Maintenance Agreement with adjoining parcel must be provided for review and approval by the Planning Board Attorney. Execution of this agreement will be required prior to final approval.

Response 7: Acceptance of cross access and maintenance agreements will be a condition of the Board's conditional approval and will be executed prior to the Town's signing of the site plans as required.

Comment 8. Based on our previous comments, the plans have been revised to include 78 land bank parking spaces. Notes should be added to the plans requiring the construction of the land bank parking within a specified time frame upon notification by the Building Department. The land bank parking can also be the owner / tenant's discretion.

Response 8: Note 1 was added to sheet C-300 of the site plans as requested.

Comment 9. The applicants have submitted an analysis of the noise impacts associated with the project. Analysis identifies recent changes to the Town code. It is recommended that the Planning Board submit the Noise Analysis to the Town's Air and Noise Consultant for review. An Air Input Analysis has been submitted this should be forward to the Town's Air / Noise Consultant.

Response 9: 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 Wednesday, March 26, 2025. Both have been responded to under separate cover with this submission.

Comment 10. The response comment No. 21 on page 15 of 29, does not address the comment regarding hydric soils. The response is related to hydrologic soil groups related to runoff potential. Hydric/wetland soil are [not] the same as the hydrologic soil group.

Response 10: Alden soils, which are a minor component making up 5% of the ErB (Erie gravelly silt loam) soils located on site are the only Hydric soils identified in the NRCS Soils Report for the project. These hydric soils make up roughly 0.3 acres (1.5%) of the 20.17-acre project site.

Comment 11. Response to comment NO. 37 page 13 of 29, seems out of place. Comment was what is the total acreage of previously disturbed soils on the site.

Response 11: It appears that approximately 2.0 acres of the site soils have been previously disturbed through either development along Caskey Lane and the Orange & Rockland Transmission wires/access path that exist on site.

Comment 12. Response to comment No. 43 on page 20 of 29 should be further clarified.

Response 12: The NRCS Soil Report does not identify any farmland classifications for prime or unique agricultural soils on site.

Comment 13. Several responses identify the City of Middletown Police Department. The City of Middletown Police Department does not have jurisdiction within Town of Wawayanda. Comment 53 on page 22 of 29 should include the New York State Environmental Conservation Police with authority to and enforce no idling regulations.

Response 13: To clarify, the responses which reference the City of Middletown Police Department reference the surrounding area in addition to the Project site. The City of Middletown Police Department was referenced only insofar as it has jurisdiction over those portions of the surrounding area located within the City. We agree that the New York State Environmental Conservation Police also have authority to enforce no-idling laws.

Comment 14. The applicant's representative have submitted responses to comments received during numerous Public Hearing. The Planning Board should review the applicant's submission with regard to adequacy of responses to public comments received.

Response 14: This comment is noted. No response required.

Comment 15. A five-acre waiver from the Town Board is required for stormwater management on the site.

Response 15: Comment noted. Receipt of the required 5-acre waiver will be a condition of the Board's approval.

Comment 16. The applicants are requested to confirm the status of the preconstruction notification to the Army Corps. of Engineers.

Response 16: A PCN application was submitted to the ACOE and NYSDEC on 1/7/25 to which Brian Orzel responded to on 3/7/25 with confirmation that the proposed work has been permitted. A copy of this correspondence has been included with this submission.

Comment 17. The landbank parking area should be specifically addressed in the landscaping plan for measures to assure vegetative cover until permanently constructed.

Response 17: The Landscape Plan has been revised to identify the proposed vegetative cover for the landbank parking area. This area will be topsoiled and seeded with the proposed lawn seed mixture until such time that the additional parking area needs to be constructed. Refer to Sheet C-702.

Comment 18. A Stormwater Facilities Maintenance Agreement must be executed with the Town. Final approval from NYSDOT for all improvements at the Route 17M / Dolsontown intersection as well as other improvements with 17M Corridor will be required.

Response 18: 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.

NYSDOT approval will also be a condition of the Board's approval.

Comment 19. The applicant's representative are requested to confirm that all lighting is dark sky compliant.

Response 19: Proposed Site Lighting is dark sky compliant.

MHE SWPPP Comments (February 18, 2025):

Comment 1. FES S-43 is too low to daylight based on the existing topography provided. Revise the elevation or grading to show the outlet can daylight.

Response 1: The referenced pipe has been revised to outlet properly and Swirl Chamber 'Swirl Prem' has been removed from the plan. As discussed with the reviewing engineer this swirl chamber is no longer necessary as the required water quality treatment has been provided through other green infrastructure practices throughout the site. See SWPPP response 3 below.

Comment 2. 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.

Response 2: **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 Manual and the GP-0-20-001.**

Comment 3. It appears that drainage area PREM 1A is not included in the water quality calculations, even though there is over 250 ft. of proposed roadway within the drainage area. Revise the water quality calculations to include area PREM 1A.

Response 3: **The impervious area that is included in Prem 1A has been added to the water quality calculations. The Bioretention ponds have been designed to provide excess treatment in other areas of the site, meeting the required water quality standards.**

Comment 4. Revise the plans and HydroCAD report to have the same elevations for the spillways.

Response 4: **The plans have been revised for consistency in spillway elevations with the HydroCAD model as requested.**

NPV Comments:

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.

Comment 1a. Note 5 indicates the ACOE PCN is forthcoming – please update as applicable and provide status. Also, see our comment below.

Response 1a: Cover Sheet Note 5 has been revised as suggested. See MHE Site Plan Response 16 above.

Comment 1b. Note 7 suggests an Environmental Site Assessment was conducted. If so, were any Recognized Environmental Conditions encountered, e.g., asbestos at the dwellings?

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 up to date studies.

Response 1c: Cover Sheet Note 13 has been revised to reference the most up to date 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 reduce 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: Trash compactors will be located next to the ramps located in the center of the loading dock area and can be seen on sheet C-300.

Sheet C-200 (Existing Conditions and Demolition Plan)

Comment 2. Regarding the proposed lot line notes, we do not see a Reference Note for lots – see bottom southerly note?

Response 2: This reference note has been added to the cover sheet as note 13.

Comment 3. We could not find the wetland reports or delineation information in the DGEIS appendix for this project. We question whether the onsite wetland on Lot 90.24 is larger than shown.

Response 3: Wetlands beyond the limit of the site were not surveyed, relevant limits of wetlands located on the project site have been surveyed and indicated on the plans.

Sheets C-300, 301, 302 (Dimension Plans)

Comment 4. The warehouse appears to be for two tenants – this should be clarified. Most of the parking is being provided at the easterly side of the building – the westerly side of the building does not have a parking area for most warehouse employees. The minimum required parking spaces are not being provided – should this warehouse be designed as a single tenant building given the parking layout?

Response 4: The minimum parking spots required for the site are provided on the site plan, with provisions for land banked parking spaces if required. The applicant intends to work with tenants on the parking requirements as needed based on the end-users requirements. A two-tenant building could be arranged to provide adequate parking for each tenant, as is the intent of the applicant.

Comment 5. In general, the 8 parking spaces by the emergency access gate should be relocated – this is a dead end aisle without a turnaround.

Response 5: The dead end is approximately 50 feet long with the spaces being visible from the intersection. We believe there is adequate space for a vehicle to back out of this dead-end area and turn around if necessary.

Comment 6. The width of the truck aisle by the “point” should be identified.

Response 6: This dimension is provided on sheet C-302 as being nearly 34 feet.

Comment 7. Has the utility company been contacted to determine if the access driveway is adequate?

Response 7: The driveway width was designed to be consistent with the existing utilities company driveway and is believed to be adequate.

Comment 8. Has the access easement agreement on the adjoining Simon property been reviewed?

Response 8: An access agreement is being prepared and will be provided to the Planning Board and its attorney for review. It is anticipated this agreement will be a condition of the Board’s conditional approval and will be executed prior to the Town’s signing of the site plans as required.

Comment 9. Will there be a ground mounted identification sign or building signs only?

Response 9: 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 10. Specify the fencing by the southerly stormwater facilities on the sheet if not provided.

Response 10: The fencing by the southerly stormwater facilities is labeled on sheet C-300 as split rail fence.

Sheets C-401, 402, 410, 411, 501, 502, 600, 601 (various)

Comment 11. We defer to MH&E and others.

Response 11: This comment is noted. No response required.

Sheets C-701 and 702 (Landscape Plan)

Comment 12. The minimum required landscaped area and trees for parking areas should be calculated.

Response 12: The parking island area requirement and compliance is provided on Sheet C-300. The parking area tree requirement and compliance is provided on Sheet C-701 & C-702.

Comment 13. The following standard landscape notes are recommended:

Comment 13a. Landscaping shall be maintained for the life of the use.

Comment 13b. Dead or dying landscape materials shall be replaced during the next growing season.

Comment 13c. No substitutions shall be made without Town approval.

Response 13: The above notes are included in the 'Landscape Notes' on the Landscape Plan, refer to Sheet C-701 & C-702.

Sheets C-801, 802 (Lighting Plan)

Comment 14. The 3000 kelvin value should be included on this sheet. Are all of the luminaires available with 3000K fixtures? Are the 3K fixtures 3,000 kelvin?

Response 14: A 'Color Temp.' column has been added to the Luminaire Schedule on the Lighting Plan (Sheet C-801) which confirms the 3000K for each proposed fixture.

Comment 15. The grid ticks for this lighting plan and footcandles is appropriate.

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

Comment 16. Are lights being installed along the offsite access drive – these should be shown.

Response 16: The offsite access drive has proposed lighting and is provided on the Site Plans for the Simon Business Park.

Comment 17. There are lights casting the maximum illumination level of around 6 footcandles. IDA standards (Dark Sky compliance standards) recommend no more than 5 footcandles. Lumen levels could be decreased.

Response 17: Illumination output for some fixtures have been modified to reduce the maximum footcandle level for the site to be 5.0 footcandles or less. Refer to the Lighting Plan (Sheet C-801 and C-802) for the revisions.

Please note that Fixture 'C' was improperly identified to have an output of 16,557 Lumens, this should have matched the 'B' Fixtures at 20,049.

Sheets C-902 through 906 (various)

Comment 18. We defer to MH&E and others.

Response 18: This comment is noted. No response required.

SEQRA Comments:

Comment 1. Findings. The application was the subject of a DGEIS, FGEIS and Findings Statement. A Negative Declaration issued in August 2024 addressed changes to the layout, which involved incorporation of additional lots and enlargement of the warehouse. Except for the wetland validation, NPV has no further comments at this time.

Response 1: Comment noted. No response needed.

Sincerely,

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

Cory D Robinson, P.E.
Project Manager