FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS)
DOLSONTOWN CORRIDOR
Town of Wawayanda, Orange County, New York

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Chapter 1: Executive Summary

Introduction

This Draft Generic Environmental Impact Statement ("DGEIS") addressing the Cumulative Common Impacts to the Roadway System, Water and Sewer Infrastructure, Stormwater Discharges, Threatened and Endangered Species, and Historic and Archeological Resources within the Dolsontown Corridor (the "Corridor") has been prepared pursuant to the Scoping Document approved by the Town of Wawayanda Planning Board on December 8, 2021. Additionally, this DGEIS attaches Environmental Assessment Form narratives for each of the proposed projects within the Corridor, so that the Planning Board, as Lead Agency for each project, has sufficient information to take a "hard look" at all potential impacts and make an appropriate Determination of Significance. Each project is described briefly below.

All projects are located in the MC-1 Zone and permitted with special use permit and site plan approval. The Town's Comprehensive Plan provides that "the MC mixed commercial zone is a district intended to provide a principal area for intensive nonresidential development such as office, retail, service businesses, manufacturing and industrial uses". The Comprehensive Plan further indicates that the zone is intended to be developed with commercial enterprises and specifically excludes residential uses and observes that recently attracted uses include small contractor yards, offices, retail, large warehousing and industrial uses. The Comprehensive Plan recommends that the Town continue to allow commercial/industrial uses on a minimum 2-acre lot size. The projects are consistent with the letter and intent of the MC-1 Zone as set forth in the Town of Wawayanda Zoning Law and Comprehensive plan.

Project Description

RDM #3 (a/k/a "Dewpoint South"), RDM #4 (a/k/a "Dewpoint North"), RDM #5 (a/k/a "Dolsontown East"), and RDM # 6 (a/k/a "Simon Business Park"), (collectively, the "Warehouse Projects") and the Marangi Solid Waste Facility (the "Marangi Project") are projects proposed along Dolsontown Road in the MC-1 mixed commercial zoning district in the Town of Wawayanda. Their proposed commercial uses and proximity to Interstate Route 84 to the south and NYS Route 17M to the east make these projects consistent with the Town of Wawayanda's Comprehensive Plan, the zoning requirements of the MC-1 District, and the District Intent set forth in Attachment 8 to the Town's Zoning Law. An overall map identifying existing NYSDEC Regulated Wetlands and Federal Jurisdictional Wetlands for the Warehouse Projects and the Marangi Project is included (**Appendix M**).

RDM #3 (a/k/a "Dewpoint South")

Dewpoint Development LLC and GDBP 2171, owners of property located on Dolsontown Road (Parcel Number 4-1-50.32) in the Town of Wawayanda, propose to construct a modern, state-of-the-art, 125,000-square foot warehouse with related parking, infrastructure, utilities and other site improvements. The proposed project will have a driveway entrance on Dolsontown Road for vehicular and truck access to the facility, and a proposed emergency access driveway to Caskey Lane. The project will include 65 parking spaces and 37 truck loading docks on the project site.

The project site is a 11.66-acre parcel located in the northeastern portion of the Town of Wawayanda along Dolsontown Road, east of NYS Route 17M/Dolson Road. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately 3,185 sq. ft. of the

current parcel to the Dolsontown Road Right-of-Way (ROW) and create a minimum 66' wide ROW across the frontage.

Approximately 8.4 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. The project site is currently undeveloped with a mixture of woodlands and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±5.9 acres of impervious surface and ± 2.5 acres of land area which will become revegetated. The Landscaping plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials. Approximately 1,350 square feet of federally regulated wetlands will be disturbed. Because the disturbance will be limited to <0.1 acres, the applicant has submitted a Preconstruction Notification to the Army Corps of Engineers ("USACE") for confirmation of jurisdiction and permission of filling pursuant to USACE Nationwide Permit ("NWP") 39 for Commercial and Institutional Developments. Permits such as NWP 39 are general permits issued for categories of activities that are considered to have minimal adverse effects on the environment. Specifically, NWP 39 permits "discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures." The Preconstruction Notification was submitted on February 19, 2022.

RDM #4 (a/k/a "Dewpoint North")

Dewpoint North LLC, owner of property located on Dolsontown Road (Parcel Number 4-1-50.2) in the Town of Wawayanda, proposes to construct a modern, state-of-the-art, 32,000-square foot warehouse with related parking, infrastructure, utilities and other site improvements. The proposed project will have a driveway entrance on Dolsontown Road for vehicular and truck access to the facility and will include 35 parking spaces and 6 truck loading docks on the project site.

The project site is a 6.17-acre parcel located in the northeastern portion of the Town of Wawayanda along Dolsontown Road, located east of NYS Route 17M/Dolson Road. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately 3,253 sq. ft. of the current parcel to the Dolsontown ROW and create a minimum 66' wide ROW across the frontage.

Approximately 3.5 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. The project site is currently undeveloped with a mixture of woodlands and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±2.0 acres of impervious surface and ±1.5 acres of land area which will become revegetated. The Landscaping Plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials. Approximately 2,650 square feet of federally regulated wetlands will be disturbed. Because the disturbance will be limited to <0.1 acres, the applicant has submitted a Preconstruction Notification to USACE for confirmation of jurisdiction and permission of filling pursuant to USACE NWP 39 for Commercial and Institutional Developments. Permits such as NWP 39 are general permits issued for categories of activities that are considered to have minimal adverse effects on the environment. Specifically, NWP 39 permits "discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures." The Preconstruction Notification was submitted on February 18, 2022.

RDM #5 (a/k/a "Dolsontown East")

Dolsontown Road East LLC, contract purchaser of properties located on Dolsontown Road (Parcel Numbers 1-1-52.1, 1-1-4.2, and 6-1-3.2) in the Town of Wawayanda, proposes to construct two modern, state-of-the-art warehouses with related parking, infrastructure, utilities and other site improvements. The proposed project consists of combining the three (3) existing lots and a lot line change creating 2 new lots. The property is currently owned by Dolsontown Road, LLC. Following a July 2022 site visit from NYSDEC, adjustments to the boundary of wetland MD-19 were made. No disturbance to MD-19 is anticipated. To the extent there is any disturbance planned to the newly defined MD-19 wetland, application for a permit to DEC will be made.

DOLSONTOWN EAST: PROPOSED LOT 1

The project on proposed lot 1 will have a 402,000-square foot warehouse with a driveway entrance on Dolsontown Road towards the west side of the site for vehicular access and another driveway entrance on Dolsontown Road towards the east side of the site for truck access. The project will include 199 parking spaces, 99 truck loading docks, and 85 trailer storage spaces on site.

The project site is a 36.67-acre parcel located in the northeastern portion of the Town of Wawayanda, along Dolsontown Road east of NYS Route 17M/Dolson Road. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately. 7,841 sq. ft. of the current parcel to the Dolsontown Road Right-of-Way (ROW) to provide 33' from the roadway centerline across the frontage.

DOLSONTOWN EAST: PROPOSED LOT 2

The project on proposed lot 2 will have a 61,000-square foot warehouse with a driveway entrance on Dolsontown Road for vehicular and truck access to the facility. The project will include 60 parking spaces and 11 truck loading docks on the project site.

The project site is a 11.56-acre parcel located in the northeastern portion of the Town of Wawayanda, along Dolsontown Road east of NYS Route 17M/Dolson Road. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately 9,190 sq. ft. of the current parcel to the Dolsontown Road Right-of-Way (ROW) to provide 33' from the roadway centerline across the frontage.

DOLSONTOWN EAST: PROPOSED LOTS 1 AND 2

Approximately 28.5 acres of land total will be disturbed for the construction of the proposed warehouse facilities (Proposed Lots 1 and 2) and associated site improvements. The project site is currently undeveloped with a mixture of open fields, woodlands and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±20.8 acres of impervious surface and ±7.7 acres of land area which will become revegetated. The Landscaping Plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials as reclamation. Following a July 2022 site visit from NYSDEC, adjustments to the boundary of wetland MD-19 were made. No disturbance to MD-19 is anticipated. To the extent there is any disturbance planned to the newly defined MD-19 wetland, application for a permit to DEC will be made.

RDM # 6 (a/k/a "Simon Business Park")

Mid Dolsontown, LLC, owner of property located on Dolsontown Road (Parcel Numbers 6-1-107 and 6-1-90.1) in the Town of Wawayanda, proposes to construct two modern, state-of-the-art warehouses with related parking, infrastructure, utilities and other site improvements. Proposed Warehouse #1 is 54,000 square feet with 96 parking spaces and 18 truck loading docks. Proposed Warehouse #2 is 244,200 square feet with 130 parking spaces, 33 truck loading docks, and 22 trailer storage spaces. The warehouses will have a shared driveway entrance on Dolsontown Road for vehicular and truck access to the facilities, and a shared emergency access driveway to Caskey Lane.

The proposed project consists of a lot line change that will combine parcel 6-1-107 and parcel 6-1-90.1, for a total project site area of 71.189 acres. The project site is situated in the northeastern portion of the Town of Wawayanda and has frontage along Dolsontown Road to the north, abuts Interstate 84 to the south, and fronts on Caskey Lane on the west. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately 17,315 sq. ft. of the current parcel to the Dolsontown Road Right-of-Way (ROW) and create a minimum 33' wide ROW across the frontage.

Approximately 21.6 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. The project site is currently undeveloped with a mixture of agricultural fields, some woodlands, and wetlands in southern portions of the site. The proposed clearing will remove existing vegetative cover and replace with ±12.9 acres of impervious surface and ±8.7 acres of land area which will become revegetated. The Landscaping Plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials as reclamation. There will be no disturbance to and state or federally regulated wetlands. By letter dated June 16th, 2021 the New York State Department of Environmental Conservation ("NYSDEC") advised that there appear to be wetlands on the project site which meet the 12.4-acre size threshold to be regulated by New York State under Article 24 of the Environmental Conservation Law, but are not on the regulatory map. No disturbance is proposed to these unmapped wetlands. The project wetlands consultant is proposing to NYSDEC that the unmapped wetlands be protected by way of a 50 foot buffer. We believe this approach to be consistent with how NYSDEC has treated other eligible but unmapped wetlands.

Based on comments received from the Town Planning Board's consulting engineer, the Simon Business Park site plan was revised from what was shown in the original sketch plan. The original sketch plan provided for a single, 282,250 square foot building that would have required extensive earth work. In order to reduce the overall disturbance to the land and economize construction costs, the layout was changed to comprise two smaller buildings with accompanying parking accommodations. It bears note that the previous applicant was advancing two warehouse distribution facilities consisting of approximately 132,000 and 255,000 square feet, respectively on this site.

Marangi Solid Waste Facility

Dom Kam LLC, owner of property located on Dolsontown Road (Parcel Numbers 6-1-3.31 and 6-1-3.32) in the Town of Wawayanda, proposes to construct and operate a solid waste management facility, which will include a transfer station and recycling facility. The planned full development of the project area may include the construction of a Truck Maintenance and Storage Facility at least five years after construction of the Transfer and Recycling Facility.

The proposed project consists of a lot line change that will combine parcel 6-1-3.32, which is approximately 39.2 acres and parcel 6-1-3.31, which is approximately 5.10 acres, for a total project site area of 44.3 acres. Both parcels are located on the south side of Dolsontown Road approximately

0.6 miles east of the intersection of Dolson Avenue and Dolsontown Road within Orange County's Agricultural District #2.

Approximately 18.39 acres of land will be disturbed for the construction of the proposed facility and associated operations. The project has been designed to avoid impacting jurisdictional federal wetlands. Pursuant to a jurisdictional determination by USACE, there are two principal wetland areas within the project boundary which are part of a tributary system and are considered waters of the United States (**Appendix E**). The first wetland is located on the southwestern portion of the project boundary and is approximately 0.52 acres within the project boundary. The second wetland is located along the eastern and southeastern portions of the project boundary and is approximately 1.57 acres within the project boundary.

The project site is a former agricultural facility developed with multiple vacant farm buildings. The pre-existing buildings on Parcel 6-1-3.31 include a commercial storage building and a single-family residence. The pre-existing buildings on Parcel 6-1-3.32 include a vacant barn, silo and two associated sheds. The commercial storage building is proposed to remain in use on the consolidated parcel, while the single-family residence, barn, silo, and sheds shall be removed.

The project will be undertaken in two phases. The 1st phase will include the Dom-Mar Transfer and Recycling Facility, the 2nd phase would include the Truck Maintenance and Storage Facility. The proposed design capacity of the Facility is 950 tons per day (tpd) as a maximum weekly average. The material is expected to consist of approximately 600 tons per day of MSW, 40 tons per day of Industrial Waste in similar composition to MSW and C&D, and 310 tons per day of C&D and recyclable materials. The proposed design capacity includes materials for the recycling facility and the Residential Drop-Off Area. The waste throughput is based on a review of readily available information regarding waste generation in the Mid-Hudson and northeast Pennsylvania region, including surrounding transfer stations, and Marangi Disposal's own truck fleet. The Facility layout and capacity is intended to address current market conditions and adapt to meet a variety of future market conditions and opportunities. The acceptance rate also allows for upsets in waste stream generation due to seasonal fluctuation, and the inevitable natural disasters that occur in the Northeast USA which are reported to generate debris volumes equivalent to five to 15 times the normal generation rates.This project is more fully described in the enclosed Full Environmental Assessment (**Appendix E**).

Project Component Chart

	RDM #3 / Dewpoint South	**RDM #4 / Dewpoint North**	**RDM # 5 / Dolsontown East Lots 1 / Lot 2**	**RDM # 6 / Simon Business Park**	**Marangi Solid Waste Facility**
Lot Size	11.66 acres	6.17 acres	36.67 acres / 11.56 acres	71.19 acres	44.3 acres
Land Disturbance	8.4 acres	3.5 acres	28.5	21.6 acres	7.1 acres
Lot Adjustment	—	—	combine 3 lots, create 2 new ones	combine 2 lots into 1	combine 2 lots into 1
ROW Dedication	3,185 sq. ft.	3,253 sq. ft.	7,841 sq. ft. / 9190 sq. ft.	17,315 sq. ft.	To Follow
Building Size	125,000 sq. ft.	32,000 sq. ft.	402,000 sq. ft. / 61,000 sq. ft.	54,000 sq. ft. / 244,200 sq. ft.	25,200 sq. ft. / 6,080 sq. ft. / 4,800 sq. ft.
Impervious Surface	5.9 acres	2.0 acres	20.8 acres	12.9 acres	4.8 acres

Revegetated Surface	2.5 acres	1.5 acres	7.7 acres	8.7 acres	To Follow
Driveway Access	**1** Vehicular & Truck to Dolsontown Road; **1** Emergency to Caskey Lane	**1** Vehicular & Truck to Dolsontown Road	**1** Vehicular to Dolsontown Road; **1** Truck to Dolsontown Road / **1** Vehicular & Truck to Dolsontown Road	**1** Shared Vehicular & Truck to Dolsontown Road; **1** Shared Emergency to Caskey Lane	**1** Vehicular to Dolsontown Road; **1** Truck/Queuing to Dolsontown Road
Parking Spaces	65	35	199 / 60	96 / 130	32
Truck Loading Docks	37	6	99 / 11	18 / 33	—
Trailer Storage	—	—	85 / —	— / 22	—

Project Purpose, Need and Public Benefit

The proposed projects are located in the MC-1 zoning district. Given their proximity to major roadways and the current, nation-wide demand for warehouse space, resulting in significant supply chain delays, which has widely been reported on as contributing to the highest rate of inflation in nearly 40 years, the Warehouse Projects would address the needs of both consumers and distributors. In addition, both the Warehouse Projects and the Marangi Project are consistent with the Town's Comprehensive Plan and comply with Wawayanda Zoning Law.

The Town's Comprehensive Plan provides that "the MC mixed commercial zone is a district intended to provide a principal area for intensive nonresidential development such as office, retail, service businesses, manufacturing and industrial uses." The Comprehensive Plan further indicates that the zone is intended to be developed with commercial enterprises, specifically excludes residential uses, and observes that recently attracted uses include small contractor yards, offices, retail, large warehousing and industrial uses. The Comprehensive Plan recommends that the Town continue to allow commercial/industrial uses on a minimum 2-acre lot size. The projects are consistent with the letter and intent of the MC-1 Zone as set forth in the Town's Comprehensive Plan, as they are permitted uses on existing lots ranging from approximately 6.17 to 68.93 acres in size, far greater than the minimum lot size requirement. The projects are anticipated to be less intensive than a variety of other uses that are permitted by Site Plan approval or Special Use Permit, including contractor yards, motor vehicle sales and services, high traffic retail and service businesses, manufacturing uses, and mining operations.

Economic activity generated by the projects will create opportunities for additional commerce for the area, particularly for the Town, nearby Village of Goshen and City of Middletown. The project will increase tax revenues to the Town and other taxing jurisdictions including the local school district (without generating any school age children) and will provide jobs to community members.

In addition, the projects are consistent with the Orange County Comprehensive Plan's Priority Growth Area concept. According to the plan, Priority Growth Areas "typically have the infrastructure to serve growth, including transportation (both motorized and non-motorized), central water and sewer services, dense housing, and other infrastructure that enables efficient and logical development." As a result, the County encourages additional urban development, including "appropriate industrial" development in these areas. The proposed projects are located in "Priority Growth Areas" (see **Figures 1** and **2** below) and would increase the economic activity on nearby portions of the Route 17M corridor

amongst the other existing, established commercial development. New tax generating uses would be created on previously dormant land. There would be permit and fee revenue to initiate construction and short-term job creation for construction activity. The long-term benefits include permanent jobs on site and additional economic activity generated around the site. All of these factors will contribute to a balanced and vibrant increase in the local economy, in line with the goals and objectives of the Orange County Comprehensive Plan and the Town of Wawayanda Comprehensive Plan.

Figure 1: Map of Orange County Priority Growth Areas

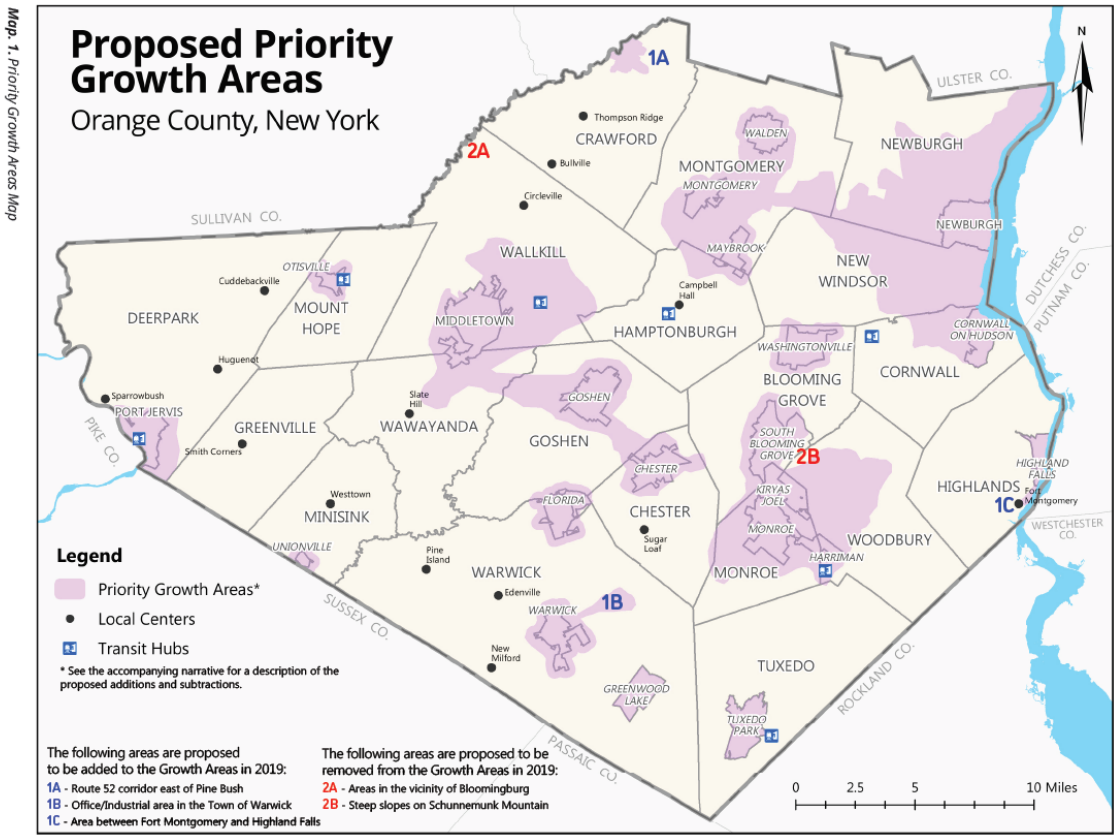
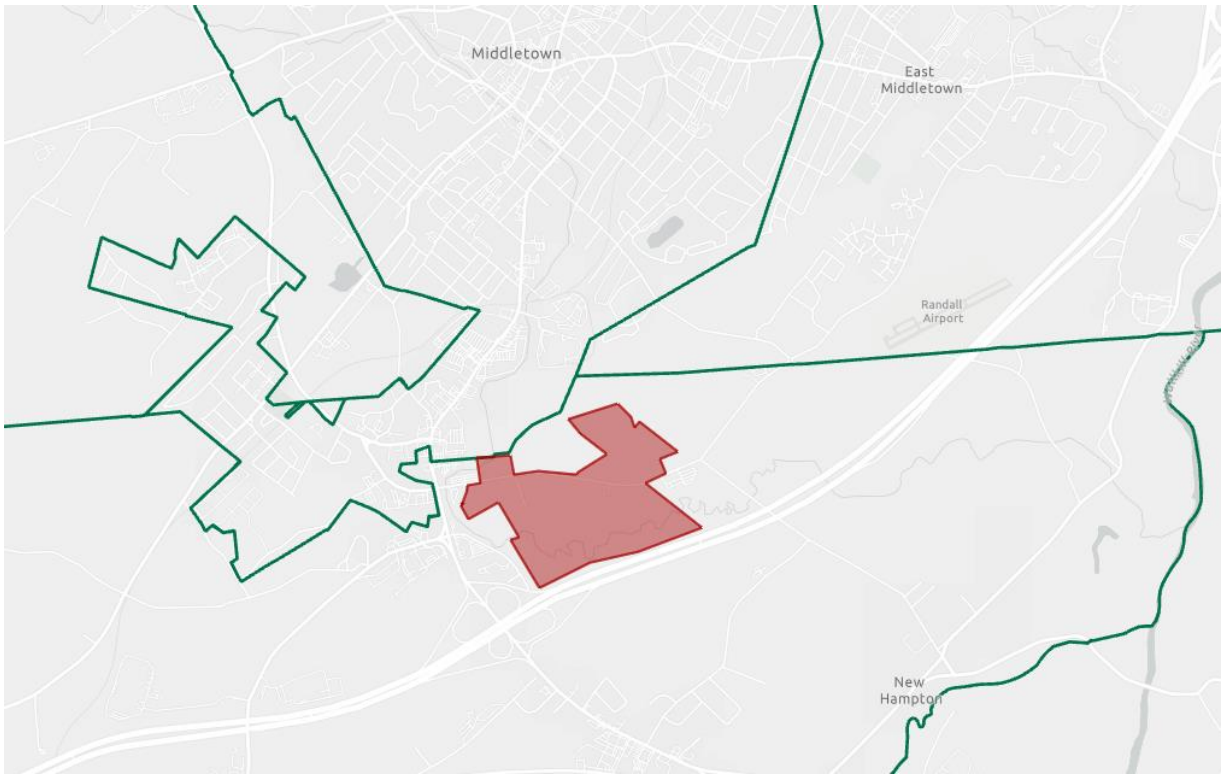


Figure 2: Map of the Corridor projects (red) relative to town boundaries



Summary of Potential Impacts & Mitigation Measures

Roadway System

Each of the intersections reviewed in the enclosed Traffic Study (**Appendix F**) currently operate a satisfactory (Level of Service "D" or better) levels of service during each of the AM and PM Peak Hours except for the McVeigh Road approach during the PM Peak Hour where a Level of Service "E" is experienced.

The extensive level of development proposed along the Route 17M corridor and on adjacent roadway (including certain developments outside the town of Wawayanda) when combined with the modest growth rate of 0.5% /year, results in certain intersections requiring mitigation under the 2032 No-Build condition including Route 17M / Dolsontown Road; Route 17M /Route 6; Dolsontown Road/McVeigh Road. These improvements take the form of additional travel lanes, turning lanes and signalization.

The extent of the proposed developments along Dolsontown Road will add some 424 total trips (entering and exiting) during the AM Peak Hour of which 12% will be trucks and some 415 total trips during the PM Peak Hour of which 16.4 % will be trucks.

The trips associated with the developments along Dolsontown Road in the 2032 Build condition do not deteriorate operation along Dolsontown Road proper with a 3-lane section in place but rather impact certain other intersections that have been examined herein. To mitigate the additional impacts associated with the various site generated traffic, once distributed on the road network, the installation of additional turning lanes along with complete traffic signal replacement at a number of locations, as previously specified, will be required.

The sensitivity analysis has indicated little in the way of additional impacts along Dolsontown Road will occur using the higher trip rate. Certain impacts will be realized at the intersection of Route 17M at Dolsontown Road on certain movements. Additional mitigation would be required. As discussed in Section G, the Sensitivity Analysis is very conservative and ITE Land Use 130 – Industrial Park represents a mix of uses including warehouse, manufacturing and light industrial.

The geometry of Dolsontown Road does not lend itself to the posted speed limit of 45 MPH. In fact, an evaluation of the horizontal and vertical alignment suggests a posted speed in the range of 30-35 MPH would be more appropriate once certain changes in roadway superelevation were introduced. A speed reduction would also assist in addressing any limitation for intersection sight distance as required sight lines would be reduced. It would also mollify any stopping sight distance issues along Dolsontown Road proper.

Based on the foregoing, upon implementation of appropriate Site Generated Traffic Mitigation Measures contained in the Traffic Study, all potential will have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

Water & Sewer Infrastructure

The approximate total combined water and sewer demand for all of the projects is anticipated to be 13,387 gpd. Pursuant to a Stipulation of Settlement between the City of Middletown and the Town of Wawayanda, dated November 30, 2021, in which the municipalities agreed to certain terms and conditions and which modifies a previous 1990 Stipulation between the parties (the "Intermunicipal Stipulation") (**Appendix J**), the City of Middletown will allocate on a permanent basis to the Town of Wawayanda, 200,000 gallons per day of water and 200,000 gallons of sewer service. The cumulative projected water use for all the projects is 13,387 gallons per day. The Town currently purchases / consumes approximately 75,000 gpd, resulting in sufficient excess capacity in both the potable water

and the sanitary sewer system of approximately 125,000 gpd.[1]Dolsontown East, Simon Business Park, and Marangi Solid Waste Facility will all require water and sewer extensions. Both the water and the sewer are being extended east on Dolsontown Road within the existing water and sewer districts as needed to support the developments. These extensions are to be installed in the Right of Way to minimize additional disturbance beyond that already required for road widening/realignment.

Stormwater Discharges

Storm Water Pollution Prevention Plans, (SWPPP) inclusive of Erosion and Sediment Control Plans have been prepared for each project, and are discussed further herein.

The Monhagen Creek is an impaired waterway on the NYS 303D list. As such, the requirements for mitigation of disturbed soil and for increased inspections during construction have been incorporated in the design of the facilities and are noted in the SWPPPs to address these discharges per the SPDES permit.

As required for the MS4 community, each of the SWPPPs identify the MS4 municipal contact, and provide a draft of the Notice of Intent (NOI) for GP-0-20-001, a blank MS4 SWPPP Acceptance form, and a blank Notice of Termination (NOT) in the Appendix of each SWPPP report.

Finally, additional stormwater runoff associated with the Dolsontown roadway widening will be accommodated by providing peak flow detention & water quality treatment for the overall increase in impervious area.

Potential Presence of Threatened or Endangered Species

According to information provided by NYSDEC and the US Fish and Wildlife Service's (USFWS)[2] the Indiana bat and the Northern long-eared bat may be located in the vicinity of the project sites. The main impact of concern for these two bat species is the removal of potential summer roost trees. However, because all tree clearing at the project sites will occur between October 1 and March 31 when bats are not roosting on site, no adverse impacts to the species from these activities will result.

In addition, generation of dust and noise, potential for changes to surface water quality, and increased lighting at the RDM #3, #4, #5 and #6 project sites may impact foraging bats if mitigation measures are not taken. RDM #6 will not require any forest removal. To avoid adverse impacts to the Northern long-eared and Indiana bat species, the projects will undertake the following mitigation measures: (1) use approved light fixtures on site with tops that direct light downward to minimize light pollution and decrease interference with potential bat foraging activities; (2) implement soil conservation and dust control best management practices, such as watering dry disturbed soil areas reduce dust, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site; and (3) refrain from maintaining stormwater ponds with chemicals that might adversely affect bats or the insect populations on which they feed.

In addition, USFWS lists the monarch butterfly as a candidate species potentially located on the project sites. Habitat (e.g. milkweed plants) necessary for the monarch butterfly was identified only at the

[1] *See* Dolsontown Road Water/Sewer System Extension Report, dated April 6, 2022, detailing the technical components of the water and sanitary sewer system extension (Appendix G).

[2] See Appendix L for correspondence from NYSDEC and USFWS regarding potential threatened and endangered species in the vicinity of the project sites.

RDM #6 (Simon Business Park) project site. We understand that typically, USFWS does not evaluate impacts to the monarch butterfly, given that it is not listed as a threatened or endangered species.

Based on the analysis contained herein, none of the proposed projects will result in any significant impacts related to the potential presence of threatened or endangered species, and all potential issues have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

Cultural, Historic and Archaeological Resources

Phase 1 Archaeological Investigations at the sites revealed that while the sites are historically sensitive, and some have a higher-than-average potential for the recovery of prehistoric sites and nineteenth to early twentieth century European-American historic sites, the proposed projects will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable. Letters of No Effect from SHPO have been received for each of the projects.

Unavoidable Adverse Environmental Impacts

The proposed projects will have some adverse impacts on the environment that cannot be avoided if they are implemented. Some of these are short term impacts that will occur primarily during construction. Most arise from the alteration of existing site conditions. There are, however, others that will have permanent or long-term environmental impacts. Most of these are unavoidable consequence of the development process. The impacts that cannot be avoided will be mitigated through reduction of impacts to the greatest extent possible through the proposed engineering design and by the use and implementation of specific mitigation measures summarized in Chapter 3.

Adverse impacts that cannot be avoided are identified below:

- Disturbance to the project sites for tree removal, grading, excavation, construction, paving, and landscaping.
- Disturbance of onsite soils during the course of development.
- Increase in the amount of impervious surface.
- Alteration of on-site stormwater runoff patterns, although there will be no increase in the peak flows and runoff quality will be mitigated to meet the SPDES permit requirements.
- Permanent impacts to areas of federally regulated wetlands on the Dewpoint South and North sites (RDM #3 and #4, respectively) collectively less than .10 of an acre.
- Generation of construction related traffic. During the construction phase, trucks, machine transport vehicles, supply vehicles, and work crew vehicles would add to the present traffic.
- Demolition of existing structures, none of which have been determined eligible for listing on the National Register of Historic Places.
- Increase in dust particles generated at the sites during construction.
- Increase in water usage and wastewater generation.
- Increase in solid waste and recyclable material generated at the sites.
- Increase in noise and lighting generated at the sites.

- Increase in energy usage, specifically electricity and heating fuels and fuels for construction equipment.

Irreversible and Irretrievable Commitment of Resources

Any land development activities, whether residential, commercial, or industrial, will result in vacant lands being altered and built upon. Construction of impervious surfaces and the associated construction and operational activities alter the existing landscape and environment. As with any development, the proposed projects will cause the short-term and long-term commitment of environmental resources.

On the Warehouse Project sites, areas of existing undeveloped land will be committed to the development of warehouse buildings, driveways, parking areas, and landscaped areas. In the areas of proposed development, existing soils will be altered and replaced with paved surfaces. Consequently, in the areas of proposed development, existing forests, meadows, wetlands, and other plant communities supporting wildlife habitat will be lost. Less than .10 of an acre of federal regulated wetlands will be impacted collectively at the Dewpoint South and North Sites (RDM #3 and #4). The proposed clearing will remove existing vegetative cover and replace it with impervious surface; however, portions of the cleared area will become revegetated.

On the Marangi Project site, areas of existing developed land will be converted for use as a municipal solid waste facility through development of a transfer station building, driveways and drop-off areas, parking, a truck maintenance ship, SF fabrication shop, fueling station, and roll off storage area. The Fabrication Shop shall be in support of the Truck Maintenance Facility and will be used to maintain and repair the collection truck fleet. The fabrication operation will take place within a fully enclosed building and not be exposed to stormwater. The Facility shall be included in the SWPPP drafted for the Truck Storage and Maintenance Facility SPDES Multi Sector Permit for Stormwater Discharges Associated with Industrial Activity if full development of the site occurs. In some of the areas of proposed development, existing soils will be altered and replaced with paved surfaces. Consequently, in those areas existing forests, meadows, wetlands, and other plant communities supporting wildlife habitat will be lost. The project has been designed to avoid impacting jurisdictional federal wetlands. The proposed clearing will remove existing vegetative cover and replace it with impervious surface; however, portions of the cleared area will become revegetated through landscaping.

Construction of the proposed projects would require the commitment of building materials such as sand, aggregate, concrete, wood, asphalt, and other building materials typically used in the construction of warehouse facilities and municipal solid waste facilities. There would be an irretrievable commitment of energy resources such as gasoline and diesel fuel for the operation of construction equipment during the construction of the proposed project.

The long-term demand for water and energy resources at the sites will increase when the proposed land uses are operational. The proposed projects would result in the long-term commitment of these resources for their continued operation. However, the amounts of water and energy used in operation of the proposed projects would be relatively minor in relation to regional consumption, and sufficient quantities of water and other resources are anticipated to be available locally and regionally to accommodate this demand.

Growth-Inducing Impacts

The proposed projects would provide a positive economic impact both locally and regionally based on the following projected results:

1. Local jurisdictional authorities would benefit from permit, review, and development fees related to the proposed action.

2. Construction of the projects can engage subcontractors and generate individual construction jobs. Sales tax revenue is generated from the purchase of construction materials and services, which would generate tax revenues for Orange County and the State of New York.

3. Long term impacts in terms of additional property tax revenue for the Town, County, and school district will be realized.

4. It is anticipated that employees would already reside in the area. It is not expected that any significant number of residents would relocate to the area for employment and as a result it is not expected that the project would directly result in an increased need for housing in the vicinity.

5. A large portion of the generated income would likely be spent in Orange County, which would provide a boost to the local economy and sales tax revenues.

6. The proposed projects take advantage of their location near major highways and provide opportunity to develop ancillary industries to support warehousing and distribution activities, which has the potential to stimulate greater direct and indirect impacts on local wages, income, and employment.

Alternatives to Proposed Action

Alternative 1 - "No Build" Scenario

The no-build alternative would be inconsistent with the Town of Wawayanda's Comprehensive Plan, which provides that "the MC mixed commercial zone is a district intended to provide a principal area for intensive nonresidential development such as office, retail, service businesses, manufacturing and industrial uses." Under a "no build" scenario, the properties intended for the Warehouse Projects would continue to be underutilized, vacant land. The property intended for the Marangi Project would also continue to be underutilized and the existing structures would continue to deteriorate, as the agricultural use of the property has ceased. In addition, the no-build alternative would not meet the goals and objectives of the applicants and would perpetuate the warehouse shortage currently occurring throughout the country. Finally, the no build alternative misses an opportunity to improve the local economy through new jobs and tax revenues.

Alternative 2 – Other Intensive Nonresidential Developments

The MC Mixed Commercial District is intended to provide the Town with a principal area for intensive nonresidential development. Permitted principal uses in this zone include office, retail, service businesses, and manufacturing. Such alternative developments of the properties could have negative impacts. For example, a retail or service business alternative would have the potential to increase traffic to Dolsontown Road significantly beyond what is estimated for the Warehouse Projects and the Marangi Project. A manufacturing alternative would have the potential to be more impactful than the currently proposed projects.

Alternative Layouts

Due to the location of the federally and state regulated wetlands on the properties, the ability to propose alternative layouts is limited. The projects as proposed are appropriate for the size and topography of the parcels upon which they sit. Where appropriate and possible, wetlands impacts have been avoided. They provide substantial front yard setbacks and/or landscaped screening to

mitigate potential visual impacts to Dolsontown Road. Any alternative layouts would compromise the balance between function and aesthetic value that has been achieved for the current site layouts.

Involved and Interested Agencies

Involved Agencies:

- New York State Department of Transportation
  4 Burnett Boulevard
  Poughkeepsie, New York 12601

- New York State Department of Environmental Conservation
  Region 3
  21 South Putt Corners Road
  New Paltz, New York 12561-1696

- Orange County Health Department, Division of Environmental Permits
  1887 County Building
  124 Main Street
  Goshen, New York 10924

- New York State Office of Parks, Recreation and Historic Preservation
  Post Office Box 189, Peebles Island
  Waterford, New York 12188

- Town of Wawayanda Highway Department
  80 Ridgebury Hill Road
  Slate Hill, NY 10973

- Town of Wawayanda Town Board
  80 Ridgebury Hill Road
  Slate Hill, NY 10973

Interested Agencies:

- City of Middletown
  Middletown City Hall
  16 James Street
  Middletown, NY 10940

- Town of Wallkill
  99 Tower Drive, Building A
  Middletown, NY 10941

- New Hampton Fire Company
  P.O. Box 386
  5024 NYS Route 17M
  New Hampton, NY 10958

- Orange County Department of Planning
  1887 County Building

124 Main Street
Goshen, New York 10924

- Orange County Department of Public Works
  2455-2459 Route 17M
  P.O. Box 509
  Goshen, New York 10924

- Town of Wawayanda Building Department
  80 Ridgebury Hill Road
  Slate Hill, NY 10973

- U.S. Army Corps of Engineers
  26 Federal Plaza
  Jacob Javits Building
  New York, New York 10278

Permits and Approvals Required

RDM #3 (a/k/a "Dewpoint South")

- Wawayanda Town Board: approval of Dolsontown Road ROW dedication; approval of water and sewer; approval of building permit
- Town of Wawayanda Planning Board: approval of site plan; special use permit
- Town of Wawayanda Highway Department: approval of driveway permit; road opening for utilities
- Orange County Planning Department - GML 239 referral
- NYSDEC: approval of stormwater permit; approval of sanitary sewer
- USACOE: pre-construction notification

RDM #4 (a/k/a "Dewpoint North")

- Wawayanda Town Board: approval of Dolsontown Road ROW dedication; approval of water and sewer; approval of building permit
- Town of Wawayanda Planning Board: approval of site plan; special use permit
- Town of Wawayanda Highway Department: approval of driveway permit; road opening for utilities
- Orange County Planning Department - GML 239 referral
- NYSDEC: approval of stormwater permit; approval of sanitary sewer
- USACOE: pre-construction notification

RDM #5 (a/k/a "Dolsontown East")

- Wawayanda Town Board: approval of Dolsontown Road ROW dedication; approval of water and sewer; approval of building permit
- Town of Wawayanda Planning Board: approval of site plan; special use permit; lot line adjustment
- Town of Wawayanda Highway Department: approval of driveway permit; road opening for utilities
- Orange County Planning Department: GML 239 referral
- Orange County Health Department: approval of public water extension and on-site water system
- NYSDEC – approval of stormwater permit; approval of sanitary sewer

RDM # 6 (a/k/a "Simon Business Park")

- Wawayanda Town Board: approval of Dolsontown Road ROW dedication; approval of water and sewer; approval of building permit
- Town of Wawayanda Planning Board: approval of site plan; special use permit; lot line adjustment
- Town of Wawayanda Highway Department: approval of driveway permit; road opening for utilities
- Orange County Planning Department: GML 239 referral
- Orange County Health Department: approval of public water extension and on-site water system
- NYSDEC: approval of stormwater permit; approval of sanitary sewer

Marangi Solid Waste Facility

- Wawayanda Town Board: waiver of operating hours per local law 152-17 D (7)
- Town of Wawayanda Planning Board: approval of site plan; special use permit; lot consolidation
- Town of Wawayanda Water and Sewer Department: approval of sewer and water connections
- Town of Wawayanda Highway Department: approval of road occupancy; street encroachment permit for access drives
- Town of Wawayanda Buildings Department: approval of building permit
- Orange County Planning Department: GML 239 referral
- Orange County Health Department: approval of public water extension and on-site water system
- NYSDEC: approval Part 360 Permit; Part 360 Registration (C&D, Recycling); Multisector General Permit (GP) Industrial Activities; SPDES GP 0-20-001; Approval of Sanitary Sewer Extension

Chapter 2: Description of the Proposed Action

Project Description and Location

RDM #3 (a/k/a "Dewpoint South")

Dewpoint Development LLC and GDBP 2171, owners of property located on Dolsontown Road (Parcel Number 4-1-50.32) in the Town of Wawayanda, propose to construct a modern, state-of-the-art, 125,000-square foot warehouse with related parking, infrastructure, utilities and other site improvements. The proposed project will have a driveway entrance on Dolsontown Road for vehicular and truck access to the facility, and a proposed emergency access driveway to Caskey Lane. The project will include 65 parking spaces and 37 truck loading docks on the project site.

The project site is a 11.66-acre parcel located in the northeastern portion of the Town of Wawayanda along Dolsontown Road, east of NYS Route 17M/Dolson Road. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately 3,185 sq. ft. of the current parcel to the Dolsontown Road ROW and create a minimum 66' wide ROW across the frontage.

The future tenant(s) of the 125,000-square foot warehouse building is not known at this time. It is anticipated that one tenant would occupy the building for industrial warehouse and/or distribution.

The building is not anticipated to be utilized for industrial manufacturing. Hours of operation will be specific to the tenant(s).

The project site is within the Town's Sanitary Sewer District #1 and Water District #1. The proposed project will have water (potable & fire protection) and sanitary sewer service connections to the adjacent Town mains within Dolsontown Road.

The main access driveway will provide access for all trucks and motor vehicles to enter and exit the site. Truck loading docks are proposed on the south side of the building. Vehicular parking spaces for employees and visitors are proposed along the west side of the building. The parking lot is designed to provide 65 parking spaces. Of the proposed 65 parking spaces, 3 spaces will be designated for ADA accessible parking in proximity to office locations at the northwest corner of the building. The site is proposed to provide 37 truck loading docks.

Approximately 8.4 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. The project site is currently undeveloped with a mixture of woodlands and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±5.9 acres of impervious surface and ± 2.5 acres of land area which will become revegetated. The Landscaping Plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials. Approximately 1,350 square feet of federally regulated wetlands will be disturbed. Because the disturbance will be limited to <0.1 acres, the applicant has submitted a Preconstruction Notification to USACE for confirmation of jurisdiction and permission of filling pursuant to USACE NWP 39 for Commercial and Institutional Developments. Permits such as NWP 39 are general permits issued for categories of activities that are considered to have minimal adverse effects on the environment. Specifically, NWP 39 permits "discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures." The Preconstruction Notification was submitted on February 18, 2022.

RDM #4 (a/k/a "Dewpoint North")

Dewpoint North LLC, owner of property located on Dolsontown Road (Parcel Number 4-1-50.2) in the Town of Wawayanda, proposes to construct a modern, state-of-the-art, 32,000-square foot warehouse with related parking, infrastructure, utilities and other site improvements. The proposed project will have a driveway entrance on Dolsontown Road for vehicular and truck access to the facility and will include 35 parking spaces and 6 truck loading docks on the project site.

The project site is a 6.17-acre parcel located in the northeastern portion of the Town of Wawayanda along Dolsontown Road, located east of NYS Route 17M/Dolson Road. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately 3,253 sq. ft. of the current parcel to the Dolsontown Road ROW and create a minimum 66' wide ROW across the frontage.

The future tenant(s) of the 32,000-square foot warehouse building is not known at this time. It is anticipated that one tenant would occupy the building for industrial warehouse and/or distribution. The building is not anticipated to be utilized for industrial manufacturing. Hours of operation will be specific to the tenant(s).

The project site is within the Town's Sanitary Sewer District #1 and Water District #1. The proposed project will have water (potable & fire protection) and sanitary sewer service connections to the adjacent Town mains within Dolsontown Road.

The main access driveway will provide access for all trucks and motor vehicles to enter and exit the site. Vehicles will be able to circulate around the entire building. Truck loading docks are proposed on the west side of the building. Vehicular parking spaces for employees and visitors are proposed along the south side of the building. The parking lot is designed to provide 35 parking spaces. Of the proposed 35 parking spaces, 2 spaces will be designated for ADA accessible parking in proximity to office locations at the southwest corner of the building. The site is proposed to provide 6 truck loading docks.

Approximately 3.5 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. The project site is currently undeveloped with a mixture of woodlands and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±2.0 acres of impervious surface and ±1.5 acres of land area which will become revegetated. The Landscaping Plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials. Approximately 2,650 square feet of federally regulated wetlands will be disturbed. Because the disturbance will be limited to <0.1 acres, the applicant has submitted a Preconstruction Notification to USACE for confirmation of jurisdiction and permission of filling pursuant to USACE NWP 39 for Commercial and Institutional Developments. Permits such as NWP 39 are general permits issued for categories of activities that are considered to have minimal adverse effects on the environment. Specifically, NWP 39 permits "discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures." The Preconstruction Notification was submitted on February 18, 2022.

RDM #5 (a/k/a "Dolsontown East")

Dolsontown Road East LLC, contract purchaser of properties located on Dolsontown Road (Parcel Numbers 1-1-52.1, 1-1-4.2, and 6-1-3.2) in the Town of Wawayanda, proposes to construct two modern, state-of-the-art warehouses with related parking, infrastructure, utilities and other site improvements. The proposed project consists of combining the three (3) existing lots and a lot line change creating 2 new lots. Following a July 2022 site visit from NYSDEC, adjustments to the boundary of wetland MD-19 were made. No disturbance to MD-19 is anticipated. To the extent there is any disturbance planned to the newly defined MD-19 wetland, application for a permit to DEC will be made.

DOLSONTOWN EAST: PROPOSED LOT 1

The project on proposed lot 1 will have a 402,000-square foot warehouse with a driveway entrance on Dolsontown Road towards the west side of the site for vehicular access and another driveway entrance on Dolsontown Road towards the east side of the site for truck access. The project will include 199 parking spaces, 99 truck loading docks, and 85 trailer storage spaces on site.

The project site is a 36.67-acre parcel located in the northeastern portion of the Town of Wawayanda, along Dolsontown Road east of NYS Route 17M/Dolson Road. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately. 7,841 sq. ft. of the current parcel to the Dolsontown Road Right-of-Way (ROW) to provide 33' from the roadway centerline across the frontage.

The two main access driveways will provide access for all trucks and motor vehicles to enter and exit the site. Vehicles will be able to circulate around the entire building. Truck loading docks are proposed on the north, east, and west sides of the building. Vehicular parking spaces for employees and visitors

are proposed along the south side of the building. The parking lot is designed to provide 199 parking spaces. Of the proposed 199 parking spaces, 6 spaces will be designated for ADA accessible parking in proximity to office locations at the south end of the building. The site is proposed to provide 99 truck loading docks (59 on the west side and 40 on the east side) and 85 trailer storage spaces parallel to the north, east, and west sides of the building.

DOLSONTOWN EAST: PROPOSED LOT 2

The project on proposed lot 2 will have a 61,000-square foot warehouse with a driveway entrance on Dolsontown Road for vehicular and truck access to the facility. The project will include 60 parking spaces and 11 truck loading docks on the project site.

The project site is a 11.56-acre parcel located in the northeastern portion of the Town of Wawayanda, along Dolsontown Road east of NYS Route 17M/Dolson Road. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately 9,190 sq. ft. of the current parcel to the Dolsontown Road Right-of-Way (ROW) to provide 33' from the roadway centerline across the frontage.

The main access driveway will provide access for all trucks and motor vehicles to enter and exit the site. Vehicles will be able to circulate around the entire building. Truck loading docks are proposed on the northeast side of the building. Vehicular parking spaces for employees and visitors are proposed along the southeast side of the building. The parking lot is designed to provide 60 parking spaces. Of the proposed 60 parking spaces, 3 spaces will be designated for ADA accessible parking in proximity to office locations at the southeast corner of the building. The site is proposed to provide 11 truck loading docks.

DOLSONTOWN EAST: PROPOSED LOTS 1 AND 2

The future tenant(s) of the 471,000 and 61,000-square foot warehouse buildings is not known at this time. It is anticipated that one or two tenants would occupy the buildings for industrial warehouse and/or distribution. The buildings are not anticipated to be utilized for industrial manufacturing. Hours of operation will be specific to the tenant(s).

The project site is within the Town's Sanitary Sewer District #1 and Water District #1. The proposed projects will have water (potable & fire protection) and sanitary sewer service connections to the adjacent Town facilities via anticipated pump stations. The existing water main is proposed to be extended approximately 2,000 feet along Dolsontown Road across the project frontage. Each parcel will be equipped with a privately owned sanitary sewer pump station, designed to meet all applicable regulatory standards. The pump stations are intended to be privately owned and discharge to the Town of Wawayanda collection system via a common forcemain that will be installed on Dolsontown Road. The forcemain will discharge to an existing gravity sewer on Dolsontown Road. Ownership of the forcemain will be transferred to the Town of Wawayanda upon project completion. Potable water service will be provided via a water main that will connect to the Town's existing 12" main and extend down Dolsontown Road to each warehouse parcel. The 1,800 gpm fire flow capability of the Town's system will be maintained. Ownership of the water main will be transferred to the Town upon completion.

Approximately 28.5 acres of land will be disturbed for the construction of the proposed warehouse facilities and associated site improvements (Proposed Lots 1 and 2). The project site is currently undeveloped with a mixture of open fields, woodlands and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±20.8 acres of impervious surface and ±7.7 acres

of land area which will become revegetated. The Landscaping Plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials. Following a July 2022 site visit from NYSDEC, adjustments to the boundary of wetland MD-19 were made. No disturbance to MD-19 is anticipated. To the extent there is any disturbance planned to the newly defined MD-19 wetland, application for a permit to DEC will be made. The project will not require any other forest removal.

RDM # 6 (a/k/a "Simon Business Park")

Mid Dolsontown, LLC, owner of property located on Dolsontown Road (Parcel Numbers 6-1-107 and 6-1-90.1) in the Town of Wawayanda, proposes to construct two modern, state-of-the-art warehouses with related parking, infrastructure, utilities and other site improvements. Proposed Warehouse #1 is 54,000 square feet with 96 parking spaces and 18 truck loading docks. Proposed Warehouse #2 is 244,200 square feet with 130 parking spaces, 33 truck loading docks, and 22 trailer storage spaces. The warehouses will have a shared driveway entrance on Dolsontown Road for vehicular and truck access to the facilities, and a shared emergency access driveway to Caskey Lane.

The proposed project consists of a lot line change that will combine parcel 6-1-107 and parcel 6-1-90.1, for a total project site area of 71.189 acres. The project site is situated in the northeastern portion of the Town of Wawayanda and has frontage along Dolsontown Road to the north, abuts Interstate 84 to the south, and fronts on Caskey Lane on the west. There are no existing easements affecting the project site which would prevent the project from going forward as proposed. A lot line adjustment is proposed as part of this project which will dedicate approximately 17,315 sq. ft. of the current parcel to the Dolsontown Road Right-of-Way (ROW) and create a minimum 33' wide ROW across the frontage.

The future tenant(s) of the two warehouse buildings is not known at this time. It is anticipated that at least one tenant would occupy the building for industrial warehouse and/or distribution. The building is not anticipated to be utilized for industrial manufacturing. Hours of operation will be specific to the tenant(s).

The project site is within the Town's Sanitary Sewer District #1 and Water District #1. The proposed project will have water (potable & fire protection) and sanitary sewer service connections to the adjacent Town mains within Dolsontown Road. The project will be equipped with a sanitary sewer pump station serving both warehouses, designed to meet all applicable regulatory standards. The pump station is intended to be privately owned and discharge to the Town of Wawayanda collection system via a common forcemain that will be installed on Dolsontown Road. The forcemain will discharge to an existing gravity sewer on Dolsontown Road. Ownership of the forcemain will be transferred to the Town of Wawayanda upon project completion. Potable water service will be provided via a water main that will connect to the Town's existing 12" main and extend beyond the Simon Business Park property. The 1,800 gpm fire flow capability of the Town's system will be maintained to the termination of the water main extension. Ownership of the water main will be transferred to the Town upon completion.

The main access driveway will provide access for all trucks and motor vehicles to enter and exit the two warehouses. For Warehouse #1, 18 truck loading docks are proposed on the south side of the building and 96 vehicular parking spaces for employees and visitors are proposed on the east side of the building. Of the 96 proposed parking spaces, 4 will be designated for ADA accessible parking in proximity to office locations at the northeast corner of the building. For Warehouse #2, 33 truck loading docks and 22 trailer storage spaces are proposed on the west side of the building and 130 vehicular parking spaces for employees and visitors are proposed on the east side of the building. Of the 130 proposed parking spaces, 5 will be designated for ADA accessible parking in proximity to office locations at the northeast corner of the building.

Approximately 21.6 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. The project site is currently undeveloped with a mixture of agricultural fields, some woodlands, and wetlands in southern portions of the site. The proposed clearing will remove existing vegetative cover and replace with ±12.9 acres of impervious surface and ±8.7 acres of land area which will become revegetated. The Landscaping Plan for the project proposes to include various tree (deciduous, evergreen & ornamental), shrub (deciduous & evergreen), groundcovers and perennials. There will be no disturbance to state or federally regulated wetlands. By letter dated June 16th, 2021, NYSDEC advised that there appear to be wetlands on the project site which meet the 12.4-acre size threshold to be regulated by New York State under Article 24 of the Environmental Conservation Law, but are not on the regulatory map. No disturbance is proposed to these unmapped wetlands. The project wetlands consultant is proposing to NYSDEC that the unmapped wetlands be protected by way of a 50-foot buffer. We believe this approach to be consistent with how NYSDEC has treated other eligible but unmapped wetlands.

Based on comments received from the Town Planning Board's consulting engineer, the Simon Business Park site plan was revised from what was shown in the original sketch plan. The original sketch plan provided for a single, 282,250 square foot building that would have required extensive earth work. In order to reduce the overall disturbance to the land and economize construction costs, the layout was changed to comprise two smaller buildings with accompanying parking accommodations. It bears note that the previous applicant was advancing two warehouse distribution facilities consisting of approximately 132,000 and 255,000 square feet, respectively on this site.

Marangi Solid Waste Facility

DOM KAM LLC, owner of property located on Dolsontown Road (Parcel Numbers 6-1-3.31 and 6-1-3.32) in the Town of Wawayanda, proposes to construct and operate a solid waste management facility, which will include a transfer station and recycling facility. The planned full development of the project area may include the construction of a Truck Maintenance and Storage Facility at least five years after construction of the Transfer and Recycling Facility.

The proposed project consists of a lot line change that will combine parcel 6-1-3.32, which is approximately 39.2 acres and parcel 6-1-3.31, which is approximately 5.10 acres, for a total project site area of 44.3 acres. Both parcels are located on the south side of Dolsontown Road approximately 0.6 miles east of the intersection of Dolson Avenue and Dolsontown Road within Orange County's Agricultural District #2.

Approximately 18.39 acres of land will be disturbed for the construction of the proposed facility and associated operations. The project has been designed to avoid impacting jurisdictional federal wetlands. Pursuant to a jurisdictional determination by USACE, there are two principal wetland areas within the project boundary which are part of a tributary system and are considered waters of the United States (see **Appendix E**). The first wetland is located on the southwestern portion of the project boundary and is approximately 0.52 acres within the project boundary. The second wetland is located along the eastern and southeastern portions of the project boundary and is approximately 1.57 acres within the project boundary.

The project site is a former agricultural facility developed with multiple vacant farm buildings. The pre-existing buildings on Parcel 6-1-3.31 include a commercial storage building and a single-family residence. The pre-existing buildings on Parcel 6-1-3.32 include a vacant barn, silo and two associated sheds. The commercial storage building is proposed to remain in use on the consolidated parcel, while the single-family residence, barn, silo, and sheds shall be removed.

. The Facility will operate as a transfer Facility in accordance with Subpart 362-3, defined in Title 6 of the New York Codes, Rules and Regulations (6 NYCRR) Part 360 in paragraph 360.2(b)(276) as "… a Facility that receives solid waste for the purpose of subsequent transfer to another Facility for further processing, treatment, transfer, or disposal."

The proposed design capacity of the Dom-Mar Transfer and Recycling Facility is 950 tons per day (tpd) as a maximum weekly average. The material is expected to consist of approximately 600 tons per day of MSW, 40 tons per day of Industrial Waste in similar composition to MSW and C&D, and 310 tons per day of C&D and recyclable materials. The proposed design capacity includes materials for the recycling facility and the Residential Drop-Off Area. The waste throughput is based on a review of readily available information regarding waste generation in the Mid-Hudson and northeast Pennsylvania region, including surrounding transfer stations, and Marangi Disposal's own truck fleet. The Facility layout and capacity is intended to address current market conditions and adapt to meet a variety of future market conditions and opportunities. The acceptance rate also allows for upsets in waste stream generation due to seasonal fluctuation, and the inevitable natural disasters that occur in the Northeast USA which are reported to generate debris volumes equivalent to five to 15 times the normal generation rates.

The Residential Drop-Off Area shall consist of two 30 cubic yard roll off containers, one for MSW, and one for C&D that allows pickup trucks or other single axle trucks to pull up to the roll off and afford relatively easy unloading of approved waste materials. Three eight-cubic yard containers will also be provided for the unloading of unadulterated wood, paper and carboard, and metals. The Area shall be opened and operated at select dates and times, such as weekend mornings with an attendant on duty for proper waste screening. All containers shall be emptied daily when used. A locked gate will block access when the area is not open.

The project will be undertaken in two phases. The 1st phase will include the Dom-Mar Transfer and Recycling Facility, the 2nd phase would include the Truck Maintenance and Storage Facility.

Phase 1 (comprising 7 acres) will be comprised of the following:

- transfer station building
    - 25,200-square foot transfer /collection truck drop-off area
    - 6,080-square foot administration building with separate exterior entrance
    - 4,800-square foot shop,
- C&D recycling storage bins
- residential drop-off area
- five (5) trailer parking spaces
- incoming and outgoing scales and a scale house (outside of transfer building, to the east)
- approximately 35 parking spaces

Phase 2 (comprising 4 acres) will be comprised of the following:

- 36,000-square foot truck maintenance shop
    - overnight truck parking spaces
    - truck washing area
- 12,000-square foot fabrication shop
- fueling station
- roll off storage area (0.5 acres)
- approximately 50 vehicle parking spaces

The transfer station includes commercial truck loading/unloading areas, a tipping floor, waste storage areas, and overhead doors. Sunken loading docks will be equipped with scales where the trucks will be top loaded by an excavator. Incoming materials will be pushed into separate storage areas by equipment until it is loaded into the transfer trucks. Buildings are anticipated to be approximately 42 feet in height.

Entry to the facility will be by two (2) access drives. The central drive will be dedicated to transfer station queuing and truck traffic, and the western drive will be for administration building traffic. Traffic circulation on site will be controlled per activity.

There is currently no municipal sanitary sewer located within the project site. As part of the proposed project, a sanitary sewer pump station will collect onsite wastewater and discharge it via a PVC force main to an existing sanitary sewer manhole located along Dolsontown Road adjacent to Parcel Number 6-1-90.1. Potable water service will be provided via a water main that will connect to the Town's existing 12" main. The 1,800 gpm fire flow capability of the Town's system will be maintained.

Design, Layout, and Structures

RDM #3 (a/k/a "Dewpoint South")

The project site is proposed to be developed with one rectangular building measuring 212 feet wide by 590 feet deep. The 125,000-square foot building will include one ancillary office space of 5,000 square feet located at the front (north) corner of the building. Sheet 3 of 17 of the attached Preliminary Site Plan shows the proposed building layout (see complete Site Plan set in **Appendix A**). The proposed building height will be 55 feet.

RDM #4 (a/k/a "Dewpoint North")

The project site is proposed to be developed with one rectangular building measuring 160 feet wide by 200 feet deep. The 32,000-square foot building will include one ancillary office space of 2,500 square feet located at the front (west) corner of the building. Sheet 3 of 16 of the attached Preliminary Site Plan shows the proposed building layout (see complete Site Plan set in **Appendix B**). The proposed building height will be 55 feet.

RDM #5 (a/k/a "Dolsontown East")

The project site is proposed to be developed with two rectangular buildings. Proposed Warehouse 1 is a 402,000-square foot building measuring 457 feet wide by 881 feet deep, with one ancillary office space of 12,000 square feet located at the front (south side) of the building. Proposed Warehouse 2 is a 61,000-square foot building measuring 306 feet wide by 200 feet deep, with one ancillary office space of 3,000 square feet located at the front (southeast side) of the building. Sheet 3 of 23 of the attached Preliminary Site Plan shows the proposed building layout (see complete Site Plan set in **Appendix C**). The height of the proposed buildings will be less than 65 feet.

RDM # 6 (a/k/a "Simon Business Park")

The project site is proposed to be developed with two rectangular buildings. Proposed Warehouse 1 is a 54,000-square foot building measuring 180 feet wide by 300 feet deep, with one ancillary office space of 1,500 square feet located at the front (northeast) corner of the building. Proposed Warehouse 2 is a 244,200-square foot building measuring 660 feet wide by 370 feet deep, with one ancillary office space of 7,500 square feet located at the front (northeast corner of the building. Sheet 3 of 23 of the attached Preliminary Site Plan shows the proposed building layout (see complete Site Plan set in **Appendix D**). The height of the proposed buildings will be less than 65 feet.

Marangi Solid Waste Facility

The project site is proposed to be developed with 4 rectangular buildings: an Administrative Building, a Transfer Station with Maintenance Shop, a Truck Maintenance/Storage Facility, and a Fabrication Shop. A pre-existing commercial storage building will continue to remain on site for use in solid waste operations.

The proposed Administrative Building is a 2 floor, 3,040-square foot building. The Transfer Station (25,200 sq. ft.) with attached Maintenance Shop (4,800 sq. ft) is a 30,000-square foot building. The administration office building is connected to the west side of the Transfer Station Building to facilitate oversight of the Transfer Station Operations. The Truck Maintenace/Storage Facility and adjacent Fabrication Shop are 36,000 square feet and 12,000 square feet, respectively. The existing commercial storage building is 5,830-square foot, rectangular building. Sheet 4 of the Site Plan and Special Use Permit Application Drawings Dom-Mar Transfer and Recycling Facility "Conceptual Full Build Site Plan" shows the proposed site layout (see complete Site Plan set in **Appendix E**).

Site Access, Vehicular and Pedestrian Circulation, and Parking

RDM #3 (a/k/a "Dewpoint South")

The site presently has no driveway access. The proposed main access driveway will be a single entry/exit driveway connection to Dolsontown Road. An emergency access is also proposed east of the main access drive, connecting to Caskey Lane. The emergency access driveway will be gated. All access roads on the site will remain under ownership of the property owner.

The main access driveway is via a single driveway having a width of 30 feet situated 200' west of and opposite to the access to Dewpoint North and will provide access for all trucks and motor vehicles to enter and exit the site. Truck loading docks are proposed on the south side of the building. Vehicular parking spaces for employees and visitors are proposed on the east side of the building.

The project will comply with the Town of Wawayanda parking requirement of 1 parking space per 300 square feet of office floor area and 1 parking space per 5,000 square feet of warehouse floor area. The project is anticipated to have 5,000 square feet of office space and 125,000 square feet of warehouse space, requiring 17 and 25 parking spaces, respectively. The parking lot is designed to provide 65 parking spaces, of which 3 spaces will be designated for ADA accessible parking in proximity to office locations at the northwest corner of the building. The site is proposed to provide 37 truck loading docks on the south side of the building.

The project will dedicate approximately 3,185 sq. ft. of the current parcel to the Dolsontown Road ROW to create a minimum 66' wide ROW across the frontage.

Pedestrian circulation on-site is limited to the walkways along the side of the building providing access from the vehicular parking lot to the front doors of the office spaces and along the front of the building providing access to a fire access stairwell. There are presently no sidewalks along Dolsontown Road, and no bus stops located in the vicinity of the project site.

RDM #4 (a/k/a "Dewpoint North")

The site presently has no driveway access. The proposed main access driveway will be a single entry/exit driveway connection to Dolsontown Road. All access roads on the site will remain under ownership of the property owner.

The main access driveway will provide access for all trucks and motor vehicles to enter and exit the site via a single driveway having a width of approximately 60 feet. This will allow for the tractor trailer

movements between Dolsontown Road and the site parking area that is at an elevation approximately 20 feet higher than the site entrance.

Truck loading docks are proposed on the west side of the building. Vehicular parking spaces for employees and visitors are proposed on the south side of the building.

The project will comply with the Town of Wawayanda parking requirement of 1 parking space per 300 square feet of office floor area and 1 parking space per 5,000 square feet of warehouse floor area. The project is anticipated to have 2,500 square feet of office space and 32,000 square feet of warehouse space, requiring 9 and 7 parking spaces, respectively. The parking lot is designed to provide 35 parking spaces, of which 2 spaces will be designated for ADA accessible parking in proximity to office locations at the southwest corner of the building. The site is proposed to provide 6 truck loading docks on the west side of the building.

The project will dedicate approximately 3,253 sq. ft. of the current parcel to the Dolsontown Road ROW to create a minimum 66' wide ROW across the frontage.

Pedestrian circulation on-site is limited to the walkway along the front of the building providing access from the vehicular parking lot to the front doors of the office spaces. There are presently no sidewalks along Dolsontown Road, and no bus stops located in the vicinity of the project site.

RDM #5 (a/k/a "Dolsontown East")

The site presently has no driveway access. The proposed main access driveways will provide access for all trucks and motor vehicles to enter and exit the site. Proposed Lot/Warehouse #1 will have two 30-foot-wide single entry/exit driveway connections to Dolsontown Road - the west entrance for vehicular traffic and the east entrance for truck traffic. Proposed Lot/Warehouse #2 will have a 30-foot-wide single entry/exit driveway connection to Dolsontown Road. All access roads on the site will remain under ownership of the property owner.

For Proposed Lot/Warehouse #1, truck loading docks are proposed on the east and west sides of the building. Vehicular parking spaces for employees and visitors are proposed on the south side of the building. The project will comply with the Town of Wawayanda parking requirement of 1 parking space per 300 square feet of office floor area and 1 parking space per 5,000 square feet of warehouse floor area. The project is anticipated to have 12,000 square feet of office space and 402,000 square feet of warehouse space, requiring 40 and 157 parking spaces, respectively. The parking lot is designed to provide 199 parking spaces, of which 6 spaces will be designated for ADA accessible parking in proximity to office locations at the south of the building. The site is proposed to provide 99 truck loading docks on the east and west sides of the building, and 85 trailer storage spaces parallel to the north, east, and west sides of the building. The project will dedicate approximately 7,841 sq. ft. of the current parcel to the Dolsontown Road ROW to create a minimum 33' wide ROW across the frontage.

For Proposed Lot/Warehouse #2, truck loading docks are proposed on the northeast side of the building. Vehicular parking spaces for employees and visitors are proposed on the southeast side of the building. The project will comply with the Town of Wawayanda parking requirement of 1 parking space per 300 square feet of office floor area and 1 parking space per 5,000 square feet of warehouse floor area. The project is anticipated to have 3,000 square feet of office space and 61,000 square feet of warehouse space, requiring 10 and 24 parking spaces, respectively. The parking lot is designed to provide 60 parking spaces, of which 3 spaces will be designated for ADA accessible parking in proximity to office locations at the southeast end of the building. The site is proposed to provide 11 truck loading docks on the northeast side of the building. The project will dedicate approximately 9,190 sq. ft. of the current parcel to the Dolsontown Road ROW to create a minimum 33' wide ROW across the frontage.

Pedestrian circulation on-site is limited to the walkway along the front of the building providing access from the vehicular parking lot to the front doors of the office spaces. There are presently no sidewalks along Dolsontown Road, and no bus stops located in the vicinity of the project site.

RDM # 6 (a/k/a "Simon Business Park")

The site presently has no driveway access. The proposed main access driveway will be a 30-foot-wide single entry/exit driveway connection to Dolsontown Road. An emergency access is also proposed west of the main access drive, connecting to Caskey Lane. The emergency access driveway will be gated. All access roads on the site will remain under ownership of the property owner. The project will dedicate approximately 17,315 sq. ft. of the current parcel to the Dolsontown Road ROW to create a minimum 33' wide ROW across the frontage.

The main access driveway will provide shared access to Warehouse #1 and Warehouse #2 for all trucks and motor vehicles to enter and exit the site.

For Proposed Lot/Warehouse #1, truck loading docks are proposed on the south of the building. Vehicular parking spaces for employees and visitors are proposed on the east side of the building. The project will comply with the Town of Wawayanda parking requirement of 1 parking space per 300 square feet of office floor area and 1 parking space per 5,000 square feet of warehouse floor area. The project is anticipated to have 1,500 square feet of office space and 54,000 square feet of warehouse space, requiring 5 and 11 parking spaces, respectively. The parking lot is designed to provide 96 parking spaces, of which 4 spaces will be designated for ADA accessible parking in proximity to office locations at the northeast corner of the building. The site is proposed to provide 18 truck loading docks on the south side of the building.

For Proposed Lot/Warehouse #2, truck loading docks are proposed on the west side of the building. Vehicular parking spaces for employees and visitors are proposed on the east side of the building. The project will comply with the Town of Wawayanda parking requirement of 1 parking space per 300 square feet of office floor area and 1 parking space per 5,000 square feet of warehouse floor area. The project is anticipated to have 7,500 square feet of office space and 244,200 square feet of warehouse space, requiring 25 and 49 parking spaces, respectively. The parking lot is designed to provide 130 parking spaces, of which 5 spaces will be designated for ADA accessible parking in proximity to office locations at the northeast corner of the building. The site is proposed to provide 33 truck loading docks and 22 trailer storage spaces on the west side of the building.

Pedestrian circulation on-site is limited to the walkways along the east sides of both warehouses, providing access from the vehicular parking lot to the front doors of the office spaces. There are presently no sidewalks along Dolsontown Road, and no bus stops located in the vicinity of the project site.

Marangi Solid Waste Facility

Two driveways—one for the vacant barn, silo and two associated sheds—and the other for commercial storage building presently provide access to the site from Dolsontown Road. The western driveway to the vacant barn is proposed to be removed, while the eastern driveway to the commercial storage building will be retained. In addition, two new main access driveways are proposed to be added for access to the solid waste facilities. To the west is proposed one, 18-foot-wide two-lane entry/exit driveway connection to Dolsontown Road for administrative office building parking and to the east is proposed one, 36-foot two-lane entry/exit driveway connection to Dolsontown Road for transfer and recycling facility truck traffic and one 20-foot driveway for administrative employees.

The administrative office building entrance/exit will serve as a common entrance for the residential drop-off area and employee and visitor parking area. The truck entrance/exit shall be used for ingress and egress of commercial vehicles to loading and unloading areas. The parking area is located to the side and in front of the administration office building, approximately 110 feet from the front property line. For detailed vehicle circulation plans for the facility, see Site Plan and Special Use Permit Drawings, Sheet 10 - Traffic Circulation Plan.

Pedestrian circulation on-site is limited to the walkways along the west side of the transfer station building, providing access from the vehicular parking lot to the front doors of the administrative office building. There are presently no sidewalks along Dolsontown Road, and no bus stops located in the vicinity of the project site.

Landscaping and Lighting Plans

RDM #3 (a/k/a "Dewpoint South")

Approximately 8.4 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. The project site is currently undeveloped with a mixture of woodlands and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±5.9 acres of impervious surface and ± 2.5 acres of land area which will become revegetated. The Landscape Plan (enclosed at **Appendix A**) details the various tree (deciduous, evergreen & ornamental), shrub, ornamental grasses, and perennial plantings as well as the existing wooded areas to remain.

The landscaping plan adheres to Chapter 195-24 of the Town Code, and in accordance with Section 195-24 A. has a goal of enhancing the appearance and natural beauty of the Town and protecting property values through the preservation and planting of vegetation, screening, and landscaping material. The plan includes a variety of native deciduous and evergreen trees and shrubs, as well as non-invasive ornamental species.

The exterior site lighting proposed for the Project utilizes night sky friendly fixtures which will be down directed and has been designed with fixture locations that do not present any light trespass onto neighboring properties. Lighting provided on the Site is the minimal necessary to ensure public safety. The Lighting Plan is enclosed at **Appendix A**.

RDM #4 (a/k/a "Dewpoint North")

Approximately 3.5 acres of land will be disturbed for the construction of the proposed warehouse facility and associated site improvements. The project site is primarily comprised of upland hardwood forest, with a smaller area of wetlands. The proposed clearing will remove existing vegetative cover and replace with ±2.0 acres of impervious surface and ±1.5 acres of land area which will become revegetated.

The Landscape Plan (enclosed at **Appendix B**) details the various tree (deciduous, evergreen & ornamental), shrub, ornamental grasses, and perennial plantings as well as the existing wooded areas to remain

The landscaping plan adheres to Chapter 195-24 of the Town Code, and in accordance with Section 195-24 A. has a goal of enhancing the appearance and natural beauty of the Town and protecting property values through the preservation and planting of vegetation, screening, and landscaping material. The plan includes a variety of native deciduous and evergreen trees and shrubs, as well as non-invasive ornamental species.

The exterior site lighting proposed for the Project utilizes night sky friendly fixtures which will be down directed and has been designed with fixture locations that do not present any light trespass onto neighboring properties. Lighting provided on the Site is the minimal necessary to ensure public safety. The Lighting Plan is enclosed at **Appendix B**.

RDM #5 (a/k/a "Dolsontown East")

Approximately 28.5 acres of land will be disturbed for the construction of the proposed warehouse facilities and associated site improvements. The project site is primarily comprised of maintained/mowed upland meadow, with smaller areas of upland hardwood forest and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±20.8 acres of impervious surface and ±7.7 acres of land area which will become revegetated.

The Landscape Plan (enclosed at **Appendix C**) details the various tree (deciduous, evergreen & ornamental), shrub, ornamental grasses, and perennial plantings as well as the existing wooded areas to remain.

The landscaping plan adheres to Chapter 195-24 of the Town Code, and in accordance with Section 195-24 A. has a goal of enhancing the appearance and natural beauty of the Town and protecting property values through the preservation and planting of vegetation, screening, and landscaping material. The plan includes a variety of native deciduous and evergreen trees and shrubs, as well as non-invasive ornamental species. Landscaping is proposed at the site access points from Dolsontown Road. The proposed landscaping, as well as the preservation of existing vegetation around the perimeter of the project site would minimize potential visual impacts from the project.

The exterior site lighting proposed for the Project utilizes night sky friendly fixtures which will be down directed and has been designed with fixture locations that do not present any light trespass onto neighboring properties. Lighting provided on the Site is the minimal necessary to ensure public safety. The Lighting Plan is enclosed at **Appendix C.**

RDM # 6 (a/k/a "Simon Business Park")

Approximately 21.6 acres of land will be disturbed for the construction of the proposed warehouse facilities and associated site improvements. The project site is primarily comprised of maintained/mowed upland meadow, with smaller areas of upland hardwood forest and wetlands. The proposed clearing will remove existing vegetative cover and replace with ±12.9 acres of impervious surface and ±8.7 acres of land area which will become revegetated.

The Landscape Plan (enclosed at **Appendix D**) details the various tree (deciduous, evergreen & ornamental), shrub, ornamental grasses, and perennial plantings as well as the existing wetland areas to remain undisturbed.

The landscaping plan adheres to Chapter 195-24 of the Town Code, and in accordance with Section 195-24 A. has a goal of enhancing the appearance and natural beauty of the Town and protecting property values through the preservation and planting of vegetation, screening, and landscaping material. The plan includes a variety of native deciduous and evergreen trees and shrubs, as well as non-invasive ornamental species. Landscaping is proposed at the site access point from Dolsontown Road and the emergency access point from Caskey Drive. The proposed landscaping, as well as the preservation of existing vegetation around the perimeter of the project site would minimize potential visual impacts from the project.

The exterior site lighting proposed for the Project utilizes night sky friendly fixtures which will be down directed and has been designed with fixture locations that do not present any light trespass onto

neighboring properties. Lighting provided on the Site is the minimal necessary to ensure public safety. The Lighting Plan is enclosed at **Appendix D**.

Marangi Solid Waste Facility

A Landscaping Plan is included in the Site Plan and Special Use Permit Application supplied for this project. The landscaping plan adheres to Chapter 195-24 of the Town Code, and in accordance with Section 195-24 A. has a goal of enhancing the appearance and natural beauty of the Town and protecting property values through the preservation and planting of vegetation, screening, and landscaping material. The landscaping plan enhances the Dolsontown Road corridor with shade trees; reduces the accumulation of dust through proper seeding of disturbed areas; provides dense evergreen screen areas intended to provide privacy to nearby land uses from noise and visual intrusion; and stabilizes soils and reduces impervious surface cover, reducing the possibility of erosion and excessive surface runoff, which could lead to negative impacts to ground or surface water. The Landscaping Plan and Landscaping Details can be found on Sheets 5 and 6, respectively of the Site Plan and Special Use Permit Application Drawings, enclosed as **Appendix E**).

Per Section 195-24 E. (1) of the Town Code the landscaping shall complement the character of the surrounding area, and per Section 195-24 E. (3) it should promote attractive development and complement buildings, structures, and native plant species. The landscaping plan accomplishes these goals as several species chosen for the landscaping plan (e.g., Northern red oak) are already present onsite and/or are common in the region. As discussed in the landscaping plan, the plan specifies planting species that will provide habitat for a variety of native animals, including rare species that may use the site, such as the Indiana bat (Myotis sodalis). Additionally, the seed mixes chosen for the swales, bioretention basin, and wet ponds will increase the diversity of plant species in the area, provide habitat for native animals, and decrease the amount of space occupied by invasive plant species (e.g., Reed canarygrass).

The Lighting Plan (enclosed at **Appendix E**) includes the proposed lighting for the Transfer Station building, the parking area, loading, and access ways. Per Section 195-23 F. (1) through (3) of the Town Code all lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source. The maximum illumination permitted at a property line shall be 0.5 footcandle, there shall be a general maximum limit of five-foot candles of light at any location on the site. Per Section 195-24 F. (4) no direct of sky-reflected glare whether from floodlights or from high temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.

As shown on the Lighting Plan the maximum perpendicular illumination level at the property line is 0.5-foot candle or less, the maximum perpendicular illumination level is five-foot candles. All perimeter lighting will have shielding installed to prevent off-site light pollution. Operation of lights will be automated, relying on decreases in ambient light to trigger the lights to turn on and increases in ambient light for them to turn off.

Utilities

RDM #3 (a/k/a "Dewpoint South")

Water service will be provided from the existing water main line on Dolsontown Road, owned and operated by the Town of Wawayanda Water Department. Locations for the water main connection and existing fire hydrants are detailed in the Utilities Plan contain on sheet 5 of 16 of the Preliminary

Site Plan set enclosed as **Appendix A**. Fire service will be fed through a ductile iron pipe, and potable water through a copper pipe to the office spaces on the front west corner of the building.

Sanitary sewer service will be provided by gravity connection to the existing sewer main on Dolsontown Road, owned and operated by the Town of Wawayanda Sewer Department. The proposed location for the sewer main connection and manhole is detailed in the Utilities Plan.

RDM #4 (a/k/a "Dewpoint North")

Water service will be provided from the existing water main line on Dolsontown Road, owned and operated by the Town of Wawayanda Water Department. Locations for the water main connection and existing fire hydrants are detailed in the Utilities Plan contained on sheet 5 of 16 of the Preliminary Site Plan set enclosed as **Appendix B**. Fire service will be fed through a ductile iron pipe and potable water through a copper pipe to the office spaces on the front west corner of the building.

Sanitary sewer service will be provided by gravity connection to the existing sewer main on Dolsontown Road, owned and operated by the Town of Wawayanda Sewer Department. The proposed location for the sewer main connection and manhole is detailed in the Utilities Plan.

RDM #5 (a/k/a "Dolsontown East")

Water service will be provided from the existing water main line on Dolsontown Road, owned and operated by the Town of Wawayanda Water Department. Proposed locations for the water main extension and fire hydrant are detailed in the Utilities Plan contained on sheet 10 of 23 of the Preliminary Site Plan set enclosed as **Appendix C**. Fire service will be fed through a ductile iron pipe and potable water through a copper pipe to the office spaces on the front side of each building. Potable water service will be provided via a water main that will connect to the Town's existing 12" main and extend down Dolsontown Road to each warehouse parcel. The 1,800 gpm fire flow capability of the Town's system will be maintained. Ownership of the water main will be transferred to the Town upon completion. According to the Intermunicipal Stipulation, the Town has an agreement to purchase up to 200,000 gpd of potable water from the City of Middletown and to send the same amount back to the City's sewage treatment plant as wastewater (see **Appendix J**). The Town currently purchases / consumes approximately 75,000 gpd, resulting in sufficient excess capacity in both the potable water and the sanitary sewer system of approximately 125,000 gpd.[3] Sanitary sewer service will be provided by force main connection to the existing sewer main on Dolsontown Road, owned and operated by the Town of Wawayanda Sewer Department. Proposed locations for sewer main extensions and pump stations are detailed in the Utilities Plan. Each parcel will be equipped with a privately owned sanitary sewer pump station, designed to meet all applicable regulatory standards. The pump stations are intended to be privately owned and discharge to the Town of Wawayanda collection system via a common forcemain that will be installed on Dolsontown Road. The forcemain will discharge to an existing gravity sewer on Dolsontown Road. Ownership of the forcemain will be transferred to the Town of Wawayanda upon project completion. The water and sewer improvements benefitting both RDM and Marangi will be paid for by the applicants pursuant to terms agreed upon by the applicants.

[3] *See* Dolsontown Road Water/Sewer System Extension Report, dated April 6, 2022, detailing the technical components of the water and sanitary sewer system extension (Appendix G).

RDM # 6 (a/k/a "Simon Business Park")

Water service will be provided from the existing water main line on Dolsontown Road, owned and operated by the Town of Wawayanda Water Department. Proposed locations for the water main extension and fire hydrant are detailed in the Utilities Plan contained on sheets 8 and 9 of 20 of the Preliminary Site Plan set enclosed as **Appendix D**. Fire service will be fed through a ductile iron pipe and potable water through a copper pipe to the office spaces on the front side of each building. Potable water service will be provided via a water main that will connect to the Town's existing 12" main and extend beyond the Simon property. The 1,800 gpm fire flow capability of the Town's system will be maintained to the termination of the water main extension. Ownership of the water main will be transferred to the Town upon completion According to the Intermunicipal Stipulation, the Town has an agreement to purchase up to 200,000 gpd of potable water from the City of Middletown and to send the same amount back to the City's sewage treatment plant as wastewater (see **Appendix J**). The Town currently purchases / consumes approximately 75,000 gpd, resulting in sufficient excess capacity in both the potable water and the sanitary sewer system of approximately 125,000 gpd.[4]

Sanitary sewer service will be provided by pump station and force main connection to the existing sewer manhole within Dolsontown Road, owned and operated by the Town of Wawayanda Sewer Department. Proposed locations for sewer main extensions and pump stations are detailed in the Utilities Plan. The project will be equipped with a sanitary sewer pump station serving both warehouses, designed to meet all applicable regulatory standards. The pump station is intended to be privately owned and discharge to the Town of Wawayanda collection system via a common forcemain that will be installed on Dolsontown Road. The forcemain will discharge to an existing gravity sewer on Dolsontown Road. Ownership of the forcemain will be transferred to the Town of Wawayanda upon project completion. The water and sewer improvements benefitting both RDM and Marangi will be paid for by the applicants pursuant to terms agreed upon by the applicants.

Marangi Solid Waste Facility

The proposed project will be connected to the Town of Wawayanda's water system via a new 12-inch, Class 52 Ductile Iron Pipe water main which will connect to the existing 12-inch diameter water main located within Dolsontown Road. Additional fire hydrants will be installed along Dolsontown Road. The existing commercial storage building water line will be disconnected from the existing water well and connected to the extended water line along Dolsontown Road.

Currently, there is no municipal sanitary sewer located within the project site. As part of the proposed action, a sanitary sewer pump station will collect onsite wastewater and discharge it via a PVC force main to an existing sanitary sewer manhole located along Dolsontown Road adjacent to Parcel Number 6-1-90.1. The additional wastewater flows will not adversely impact the plant's operations and adequate reserve treatment capacity exists to support the project. Therefore, no improvements are planned or proposed for the WWTP. The existing commercial storage building sanitary line will be disconnected from the existing septic system and drain to the sanitary pump station to be discharged to the existing sewer line on Dolsontown Road via a force main.

[4] *See* Dolsontown Road Water/Sewer System Extension Report, dated April 6, 2022, detailing the technical components of the water and sanitary sewer system extension (Appendix G).

Sediment and Erosion Control Plan

RDM #3 (a/k/a "Dewpoint South")

The following temporary control practices will be installed and used on this project to ensure that erosion is controlled and sediment migration minimized.

- Silt Fence – Silt fence will be placed along the toe of all fill areas or any location where surface sheet flow could be expected in accordance with temporary soil erosion and sediment control plans serving to reduce runoff velocity and effect deposition of transported sediment load.

- Mulching – Mulching of all disturbed surfaces will be mandatory. Hydroseeding with mulch only mixes will be the preferred method.

- Stabilized Construction Access - A stabilized pad of aggregate underlain with geotextile located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area. The access will be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate. All sediment spilled, dropped, or washed onto public rights-of-way will be removed immediately. All sediment will be prevented from entering storm drains, ditches, or watercourses.

- Concrete Washout Station - A temporary concrete washout station is to be used near the entrance to the site. Any tools or equipment that were used for concrete work will be cleaned here before leaving the site.

The following permanent control practices will be installed and used on this project to ensure that erosion is controlled and sediment migration minimized.

- Topsoil, Seed & Mulch – Final vegetative stabilization will be used at all locations where the ground has been disturbed and impervious covers are not specified. Mulch will be applied with, or immediately after seeding.

- Rock outlet protection- Stone riprap will be placed at the outlet end of the culverts beneath the flared end section to slow down the flow of the runoff and reduce erosion.

A more detailed list of measures and practices is contained in the Erosion and Sediment Control Plans in the appendix of the proposed project's SWPPP.

Clearing and grading will be limited to the minimum amount required for roads, driveways, foundations, utilities, and stormwater management facilities. The site will be graded systematically, with stone roadways installed in heavily trafficked areas and pavement subbase materials installed as soon as practical to minimize the amount of actively open soil areas. Soil/rock/stockpile excess material will be removed as necessary, and then site utilities and remaining retaining walls will be installed. Temporary swales will be used throughout the grading process to ensure runoff is always directed towards a sediment pond prior to discharging the site. Proposed grade elevations and structure tables are detailed in the Grading & Drainage Plan on sheets 6, 7 and 8 of the Preliminary Site Plan set enclosed as **Appendix A**.

RDM #4 (a/k/a "Dewpoint North")

The following temporary control practices will be installed and used on this project to ensure that erosion is controlled and sediment migration is minimized.

- Silt Fence – Silt fence will be placed along the toe of all fill areas or any location where surface sheet flow could be expected in accordance with temporary soil erosion and sediment control plans serving to reduce runoff velocity and effect deposition of transported sediment load.

- Mulching – Mulching of all disturbed surfaces will be mandatory. Hydroseeding with mulch only mixes will be the preferred method.

- Stabilized Construction Access - A stabilized pad of aggregate underlain with geotextile located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area. The access will be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate. All sediment spilled, dropped, or washed onto public rights-of-way will be removed immediately. All sediment will be prevented from entering storm drains, ditches, or watercourses.

- Concrete Washout Station - A temporary concrete washout station is to be used near the entrance to the site. Any tools or equipment that were used for concrete work will be cleaned here before leaving the site.

The following permanent control practices will be installed and used on this project to ensure that erosion is controlled and sediment migration minimized.

- Topsoil, Seed & Mulch – Final vegetative stabilization will be used at all locations where the ground has been disturbed and impervious covers are not specified. Mulch will be applied with, or immediately after seeding.

- Rock outlet protection- Stone riprap will be placed at the outlet end of the culverts beneath the flared end section to slow down the flow of the runoff and reduce erosion.

A more detailed list of measures and practices is contained in the Erosion and Sediment Control Plans in the appendix of the proposed project's SWPPP.

Clearing and grading will be limited to the minimum amount required for roads, driveways, foundations, utilities, and stormwater management facilities. The site will be graded systematically, with stone roadways installed in heavily trafficked areas and pavement subbase materials installed as soon as practical to minimize the amount of actively open soil areas. Soil/rock/stockpile excess material will be removed as necessary, and then site utilities and remaining retaining walls will be installed. Temporary swales will be used throughout the grading process to ensure runoff is always directed towards a sediment pond prior to discharging the site. Proposed grade elevations and structure tables are detailed in the Grading & Drainage Plan on sheets 4, 5, 6 and 7 of the Preliminary Site Plan set enclosed as **Appendix B**.

RDM #5 (a/k/a "Dolsontown East")

The following temporary control practices will be installed and used on this project to ensure that erosion is controlled and sediment migration is minimized.

- Silt Fence – Silt fence will be placed along the toe of all fill areas or any location where surface sheet flow could be expected in accordance with temporary soil erosion and sediment control plans serving to reduce runoff velocity and effect deposition of transported sediment load.

- Mulching – Mulching of all disturbed surfaces will be mandatory. Hydroseeding with mulch only mixes will be the preferred method.

- Stabilized Construction Access - A stabilized pad of aggregate underlain with geotextile located at any point where traffic will be entering or leaving a construction site to or from a public right-of-way, street, alley, sidewalk, or parking area. The access will be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate. All sediment spilled, dropped, or washed onto public rights-of-way will be removed immediately. All sediment will be prevented from entering storm drains, ditches, or watercourses.

- Concrete Washout Station - A temporary concrete washout station is to be used near the entrance to the site. Any tools or equipment that were used for concrete work will be cleaned here before leaving the site.

The following permanent control practices will be installed and used on this project to ensure that erosion is controlled and sediment migration minimized.

- Topsoil, Seed & Mulch – Final vegetative stabilization will be used at all locations where the ground has been disturbed and impervious covers are not specified. Mulch will be applied with, or immediately after seeding.

- Rock outlet protection- Stone riprap will be placed at the outlet end of the culverts beneath the flared end section to slow down the flow of the runoff and reduce erosion.

A more detailed list of measures and practices is contained in the Erosion and Sediment Control Plans in the appendix of the proposed project's SWPPP.

Clearing and grading will be limited to the minimum amount required for roads, driveways, foundations, utilities, and stormwater management facilities. The site will be graded systematically, with stone roadways installed in heavily trafficked areas and pavement subbase materials installed as soon as practical to minimize the amount of actively open soil areas. Soil/rock/stockpile excess material will be removed as necessary, and then site utilities and remaining retaining walls will be installed. Temporary swales will be used throughout the grading process to ensure runoff is always directed towards a sediment pond prior to discharging the site. Proposed grade elevations and structure tables are detailed in the Grading & Drainage Plan on sheets 4, 5, 6 and 7 of the Preliminary Site Plan set enclosed as **Appendix C.**

RDM # 6 (a/k/a "Simon Business Park")

The following temporary control practices will be installed and used on this project to ensure that erosion is controlled and sediment migration is minimized.

- Silt Fence – Silt fence will be placed along the toe of all fill areas or any location where surface sheet flow could be expected in accordance with temporary soil erosion and sediment control plans serving to reduce runoff velocity and effect deposition of transported sediment load.

- Mulching – Mulching of all disturbed surfaces will be mandatory. Hydroseeding with mulch only mixes will be the preferred method.

- Stabilized Construction Access - A stabilized pad of aggregate underlain with geotextile located at any point where traffic will be entering or leaving a construction site to or from a public right-

of-way, street, alley, sidewalk, or parking area. The access will be maintained in a condition which will prevent tracking of sediment onto public rights-of-way or streets. This may require periodic top dressing with additional aggregate. All sediment spilled, dropped, or washed onto public rights-of-way will be removed immediately. All sediment will be prevented from entering storm drains, ditches, or watercourses.

- Concrete Washout Station - A temporary concrete washout station is to be used near the entrance to the site. Any tools or equipment that were used for concrete work will be cleaned here before leaving the site.

The following permanent control practices will be installed and used on this project to ensure that erosion is controlled and sediment migration minimized.

- Topsoil, Seed & Mulch – Final vegetative stabilization will be used at all locations where the ground has been disturbed and impervious covers are not specified. Mulch will be applied with, or immediately after seeding.

- Rock outlet protection- Stone riprap will be placed at the outlet end of the culverts beneath the flared end section to slow down the flow of the runoff and reduce erosion.

A more detailed list of measures and practices is contained in the Erosion and Sediment Control Plans in the appendix of the proposed project's SWPPP.

Clearing and grading will be limited to the minimum amount required for roads, driveways, foundations, utilities, and stormwater management facilities. Proposed grade elevations and structure tables are detailed in the Grading & Drainage Plan on sheets 6 and 7 of the Preliminary Site Plan set enclosed as **Appendix D.**

Marangi Solid Waste Facility

The following sediment control methods will be employed at the site:

- Orange Construction Fencing: Orange construction fencing shall be placed around sensitive areas such as jurisdictional wetlands to deter disturbance from construction personnel and equipment.

- Temporary Surface Stabilization: In areas where soil disturbance has temporarily ceased and will not be disturbed again within 7 calendar days, the application of soil stabilization measures must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased.

- Drainage Pipe Inlet/Outlet Stabilization: As part of the permanent erosion control measure, the inlet and outlet of the culvert pipes will be provided with either stone riprap apron or an apron consisting of erosion control product with vegetation to provide the required erosion control which blends in with the surrounding natural features and topography.

- Construction Entrance: A stabilized construction entrance will be constructed to access the site from Dolsontown Road.

- Dust Control: The contractor will be required to minimize dust generation during the construction activities. Provisions such as watering, the use of cover materials, and the application of calcium chloride have proven effective in dust control and can be approved by

the Engineer for use in the affected areas.

- Storm Drain Inlet Protection: Temporary protection will be provided at all proposed catch basins to prevent clogging of the infiltration system prior to final stabilization of the site.

- Temporary Sediment Basin: A temporary sediment basin will be constructed to catch the majority of the exposed site and allow for settling of sediment from runoff before discharging off site.

- Permanent Surface Stabilization: In areas where soil disturbance has permanently ceased, the application of soil stabilization methods must be initiated by the end of the next business day and completed within seven (7) days from the date the current soil disturbance activity ceased. Areas will be stabilized in accordance with the New York State Standards and Specifications for Erosion and Sediment Control or as directed by the Engineer.

A more detailed list of measures and practices is contained in the Erosion and Sediment Control Plans in the appendix of the proposed project's SWPPP.

The proposed Transfer and Recycling Facility building is sited on relatively flat ground and avoids steeper areas to the north and northwest. The administration office building first floor elevation shall be two feet lower than the Transfer Station floor elevation. The Administrative Office Building driveway crosses a slope of approximately 12 percent. The driveway slope is proposed to be flattened as shown on the Grading Plan on Sheet 3and shall include a stormwater drainage channel to intercept upgradient stormwater runoff.

Chapter 3: Existing Conditions, Anticipated Impacts and Proposed Mitigation

A. Roadway System

Existing Conditions

A. Description of Existing Roadways

The following is a brief description of the roadways located within the study area.

1. NYS Route 17M

NYS Route 17M traverses this area in a north/south direction and consists of two travel lanes in each direction and is furnished with a two-way left turn lane plus shoulders. In the immediate vicinity of the site the posted speed limit is 45 MPH.

2. Dolsontown Road/James P. Kelly Way

Dolsontown Road is a two-lane, Town roadway that traverses from Route 17M in the west to Schutt Road (in Wallkill) to the east. Dolsontown Road is provided with 2, 12-foot travel lanes and with 1-2-foot shoulders along each of the eastbound and westbound travel lanes. At its intersection with Route 17M, McVeigh Road and Schutt Road the shoulder widths are wider and vary. Dolsontown Road is classified as a "Urban Local" roadway.

Dolsontown Road is provided with a double yellow centerline and white edge/fog lines and serves both residential and commercial land uses. The posted speed limit is 45 MPH.

There are a number of changes in horizontal alignment with 5 horizontal curves between Route 17M and the roundabout. Near the intersection with McVeigh Road two of these curves are arranged in a "broken back" alignment, i.e., successive curves in the same direction with one curve having a radius of about half of the other, spaced about 600 feet apart.

There are also changes in vertical alignment. Topographic data indicates the high point of Dolsontown Road occurs in front of 1073 Dolsontown Road, just east of Caskey Lane where an elevation of 520 exists as compared to an elevation of approximately 468 at Route 17M and an elevation of about 490 at the roundabout. A low point (elevation 460+/-) is present at the culvert crossing located approximately 1500 feet west of McVeigh Road. A discussion of the geometrics and any limitations are presented in a later section of this report.

The roadway surface condition is good with little in the way of reflective cracking, raveling, or flushing evident.

James P. Kelly Way represents the continuation of Dolsontown Road west of NYS Route 17M. In the vicinity of NYS Route 17M, James P. Kelly Way consists of two westbound travel lanes and three eastbound travel lanes and has a posted speed limit of 30 MPH.

3. C.R. 78/Abe Isseks Drive

C.R. 78 consists of one lane in each direction however, two lanes exist on the C.R. 78 approach to NYS Route 17M. This roadway has a posted speed limit of 30 MPH. Opposite C.R. 78 is Abe Isseks Drive that consists of three lanes, two approaching NYS Route 17M towards the west and a single eastbound travel lane.

4. U.S. Route 6/Sunset Park Road

U.S Route 6 is a two-lane roadway that intersects with NYS Route 17M at a signalized intersection opposite Sunset Park Road. In the immediate vicinity NYS Route 17M. U.S. Route 6 serves commercial land uses and is provided with a two-way left turn lane. U.S. Route 6 has a posted speed limit of 55 MPH. Sunset Park Road is a two-lane local roadway that serves primarily commercial land uses, however, limited residential uses are present as well. Sunset Park Road is a "dead end" facility.

5. McVeigh Road

McVeigh Road generally traverses in a northwest/southeast direction linking Dolsontown Road with Golf Links Road (C.R. 50). It is constructed as a two-lane, two-way roadway without shoulders. This roadway, which intersects Dolsontown Road approximately a mile east of NYS Route 17M, has a posted speed limit of 45 MPH.

6. Schutt Road/Genung Street/Airport Road

Schutt Road, Genung Street, and Airport Road converge with Dolsontown Road at a single lane roundabout in the Town of Wallkill. Schutt Road links the roundabout with areas to the north in Mechanicstown and E. Main Street. Genung Street links the roundabout with areas to the northwest, namely Middletown at Dolson Avenue/Academy Avenue. Airport Road begins at the roundabout and traverses eastward crossing over I-84 and intersects with C.R. 50, Golf Links Road. Each of these roads are primarily two-lane, 20-22 feet wide roads servicing local traffic.

B. 2022 Existing Traffic Volumes

All available traffic count data for the study area intersections were obtained. Recorded traffic volumes were as expected, lower than historical values because of the continuing Covid-19 pandemic.

The traffic counts were compared to traffic volume data from previous traffic studies conducted by our office (pre-Covid conditions) as well as among others and to traffic data available from the New York State Department of Transportation (NYSDOT) for the NYS Route 17M corridor and Dolsontown Road. Based on this information, the Year 2022 Existing Traffic Volumes were established for the Weekday Peak AM and Weekday Peak PM Hours at the following study area intersections and follows the NYSDOT Traffic Data Guidelines during the Covid-19 Pandemic.[5]

- NYS Route 17M and Abe Isseks Drive/C.R. 78
- NYS Route 17M and Dolsontown Road/James P. Kelly Way
- NYS Route 17M and U.S. Route 6
- Dolsontown Road and McVeigh Road
- Dolsontown Road and Schutt Road/Genung Street/Airport Road

Based upon a review of the traffic counts, the peak hours were generally identified as follows:

- Weekday Peak AM Hour 7:30 AM – 8:30 AM
- Weekday Peak PM Hour 3:30 PM – 4:30 PM

The resulting Year 2022 Existing Traffic Volumes are shown on Figures No. 2 and 3 for the Weekday Peak AM Hour and Weekday Peak PM Hour, respectively. A copy of the traffic count data, including NYSDOT historical data, is contained in **Appendix F**.

Potential Impacts

A study was prepared to assess the potential traffic impacts of the proposed projects (**Appendix F**). After current traffic operating conditions were obtained, the existing traffic volumes were projected to 2032 to consider background growth. Included in the 2032 projected traffic volumes were the existing volumes for several other proposed developments in the area, including:

- 1081 Dolsontown Road – warehouse/distribution
- RDM CR 56 – warehouse/distribution
- Aden – Slate Hill – warehouse/distribution
- Wingate Hotel
- Dunkin Donuts
- Middletown Commons Expansion – Mixed-Use
- Distelburger – mixed use
- Devitt – mixed use
- Slatewood Apartments
- Wash Co. Phase II

Estimates were then made of the potential traffic that each of the proposed projects on Dolsontown Road would generate during each of the peak hours, separated into passenger vehicles and trucks. The resulting site generated traffic volumes were then added to the roadway system and combined with the 2032 "No-Build" traffic volumes to obtain the 2032 "Build" traffic volumes. The existing, no-build and build traffic volumes were then compared to intersection capacities to determine existing and future Levels of Service and operating conditions.

[5] As part of the adjustments made to account for impacts of the COVID-19 pandemic, a single calibration factor was not applied.

The following intersections were studied:

1. NYS Route 17M and Abe Isseks Drive/C.R. 78
2. NYS Route 17M and Dolsontown Road/James P. Kelly Way
3. NYS Route 17M and U.S. Route 6/Sunset Park Road
4. Dolsontown Road and McVeigh Road
5. Dolsontown Road and Schutt Road/Genung Street/Airport Road
6. Dolsontown Road – Dewpoint South (RDM #3 access drive)
7. Dolsontown Road – Dewpoint North (RDM #4 access drive)
8. Dolsontown Road – RDM 1081
9. Dolsontown Road – Dolsontown East (Lot 1) (RDM #5 access drive)
10. Dolsontown Road – Dolsontown East (Lot 2) (RDM #5 access drive)
11. Dolsontown Road – RDM Simon (RDM #6 access drive)
12. Dolsontown Road – Marangi (Marangi Solid Waste Facility access drive)

The results of the study indicate that each of the intersections reviewed currently operates a satisfactory (Level of Service "D" or better) level of service during each of the AM and PM Peak Hours except for the McVeigh Road approach during the PM Peak Hour where a Level of Service "E" is experienced. The proposed projects along Dolsontown Road will add some 424 total trips (entering and exiting) during the AM Peak Hour of which 12% will be trucks and some 415 total trips during the PM Peak Hour of which 16.4 % will be trucks. The trips associated with the proposed projects in the 2032 Build condition do not deteriorate operation along Dolsontown Road proper with a 3-lane section in place but rather impact certain other intersections that have been examined herein.

A sensitivity analysis did not reveal additional significant impacts along Dolsontown Road will occur with the higher trip rates. However, certain impacts will be realized at the intersection of Route 17M at Dolsontown Road on certain movements, and additional mitigation is required.

Mitigation Measures

2032 No-Build Traffic Mitigation Measures

The extensive level of development proposed along the Route 17M corridor and on adjacent roadway (including certain developments outside the town of Wawayanda) when combined with the modest growth rate of 0.5% /year, results in certain intersections requiring mitigation under the 2032 No-Build condition including Route 17M / Dolsontown Road; Route 17M /Route 6; Dolsontown Road/McVeigh Road. These improvements take the form of additional travel lanes, turning lanes and signalization. Since some of the impacts are associated with projects beyond the border of Wawayanda, it is difficult to envision a cost sharing mechanism the town could put in place to ensure those improvements are implemented. A form of inter-municipal agreement including the NYSDOT would seem to be the proper avenue to achieve the desired results even if development along Dolsontown Road does not occur.

In addition, the geometry of Dolsontown Road does not lend itself to the posted speed limit of 45 MPH. An evaluation of the horizontal and vertical alignment suggests a posted speed in the range of 30-35 MPH would be more appropriate once certain changes in roadway superelevation were introduced. A speed reduction would also assist in addressing any limitation for intersection sight distance as required sight lines would be reduced. It would also mollify any stopping sight distance issues along Dolsontown Road proper.

Site Generated Traffic Mitigation Measures

A separate left turn lane is warranted for site entering traffic at each proposed driveway location on Dolsontown Road. The trips associated with the developments along Dolsontown Road in the 2032 Build condition do not deteriorate operation along Dolsontown Road proper with a 3-lane section in place but rather impact certain other intersections that have been examined herein. To mitigate the additional impacts associated with the various site generated traffic, once distributed on the road network, the installation of additional turning lanes along with complete traffic signal replacement at a number of locations will be required.

Conclusion

Based on the foregoing, upon implementation of appropriate Site Generated Traffic Mitigation Measures, all potential will have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

B. Water & Sewer Infrastructure

RDM #3 (a/k/a "Dewpoint South")

Sanitary sewer service will be provided by gravity connection to the existing sewer main on Dolsontown Road, owned and operated by the Town of Wawayanda Sewer Department. The proposed location for the sewer main connection and manhole is detailed in the Utilities Plan contained in the Preliminary Site Plan set enclosed as **Appendix A**. It is not anticipated that any additional sewage pumping facilities will be required.

Water service will be provided from the existing water main line on Dolsontown Road, owned and operated by the Town of Wawayanda Water Department. Locations for the water main connection and existing fire hydrants are detailed in the Utilities Plan. Fire service will be fed through a ductile iron pipe and potable water through a copper pipe to the office spaces on the front west corner of the building.

The project is anticipated to generate a water and sewer demand of approximately 1,875 gpd. Pursuant to the Intermunicipal Stipulation, the Town has an agreement to purchase up to 200,000 gpd of potable water from the City of Middletown and to send the same amount back to the City's sewage treatment plant as wastewater. The Town currently purchases / consumes approximately 75,000 gpd, resulting in sufficient excess capacity in both the potable water and the sanitary sewer system of approximately 125,000 gpd.[6] Accordingly, no adverse impact is anticipated.

[6] *See* Dolsontown Road Water/Sewer System Extension Report, dated April 6, 2022, detailing the technical components of the water and sanitary sewer system extension (Appendix G).

RDM #4 (a/k/a "Dewpoint North")

Sanitary sewer service will be provided by gravity connection to the existing sewer main on Dolsontown Road, owned and operated by the Town of Wawayanda Sewer Department. The proposed location for the sewer main connection and manhole is detailed in the Utilities Plan contained on sheet 5 of 16 of the Preliminary Site Plan set enclosed as **Appendix B**.

Water service will be provided from the existing water main line on Dolsontown Road, owned and operated by the Town of Wawayanda Water Department. Locations for the water main connection and existing fire hydrants are detailed in the Utilities Plan. Fire service will be fed through a ductile iron pipe and potable water through a copper pipe to the office spaces on the front west corner of the building.

The project is anticipated to generate a water and sewer demand of approximately 480 gpd. Pursuant to the Intermunicipal Stipulation, the Town has an agreement to purchase up to 200,000 gpd of potable water from the City of Middletown and to send the same amount back to the City's sewage treatment plant as wastewater. We understand the Town currently purchases / consumes approximately 75,000 gpd, resulting in sufficient excess capacity in both the potable water and the sanitary sewer system of approximately 125,000 gpd.[7] Accordingly, no adverse impact is anticipated.

RDM #5 (a/k/a "Dolsontown East")

Dolsontown East will require water and sewer extensions. Both the water and the sewer are being extended east on Dolsontown Road within the existing water and sewer districts as needed to support the development. These extensions are to be installed in the ROW to minimize additional disturbance beyond that already required for road widening/realignment.

Sanitary sewer service will be provided by force main connection to the existing sewer main on Dolsontown Road, owned and operated by the Town of Wawayanda Sewer Department. Proposed locations for sewer main extensions and pump stations are detailed in the Utilities Plan contained on sheet 10 of 23 of the Preliminary Site Plan set enclosed at **Appendix C**. Please also see the Dolsontown Road Water Sewer System Extension Sanitary Sewer and Water Distribution System Engineering Report contained herein as **Appendix G**. Each parcel will be equipped with a privately owned sanitary sewer pump station, designed to meet all applicable regulatory standards. The pump stations are intended to be privately owned and discharge to the Town of Wawayanda collection system via a common forcemain that will be installed on Dolsontown Road. The forcemain will discharge to an existing gravity sewer on Dolsontown Road. Ownership of the forcemain will be transferred to the Town of Wawayanda upon project completion. The sewer improvements benefitting both RDM and Marangi will be paid for by the applicants pursuant to terms agreed upon by the applicants.

Water service will be provided from the existing water main line on Dolsontown Road, owned and operated by the Town of Wawayanda Water Department. Proposed locations for the water main extension and fire hydrant are detailed in the Utilities Plan. Fire service will be fed through a ductile iron pipe and potable water through a copper pipe to the office spaces on the front side of each building. Potable water service will be provided via a water main that will connect to the Town's existing 12" main and extend down Dolsontown Road to each warehouse parcel. The 1,800 gpm fire flow capability of the Town's system will be maintained. Ownership of the water main will be

[7] *See* Dolsontown Road Water/Sewer System Extension Report, dated April 6, 2022, detailing the technical components of the water and sanitary sewer system extension (Appendix G).

transferred to the Town upon completion. The water improvements benefitting both RDM and Marangi will be paid for by the applicants pursuant to terms agreed upon by the applicants.

The project is anticipated to generate a water and sewer demand of approximately 3,540 gpd. Pursuant to the Intermunicipal Stipulation, the Town has an agreement to purchase up to 200,000 gpd of potable water from the City of Middletown and to send the same amount back to the City's sewage treatment plant as wastewater. The Town currently purchases / consumes approximately 75,000 gpd, resulting in sufficient excess capacity in both the potable water and the sanitary sewer system of approximately 125,000 gpd.[8] Accordingly, no adverse impact is anticipated.

RDM #6 (a/k/a "Simon Business Park")

Simon Business Park will require water and sewer extensions. Both the water and the sewer are being extended east on Dolsontown Road within the existing water and sewer districts as needed to support the development. These extensions are to be installed in the ROW to minimize additional disturbance beyond that already required for road widening/realignment.

Sanitary sewer service will be provided by pump station and force main connection to the existing sewer manhole within Dolsontown Road, owned and operated by the Town of Wawayanda Sewer Department. Proposed locations for sewer main extensions and pump stations are detailed in the Utilities Plan contained on sheets 8 and 9 of 20 of the Preliminary Site Plan set enclosed at **Appendix D**. Please also see the Dolsontown Road Water Sewer System Extension Sanitary Sewer and Water Distribution System Engineering Report contained herein as **Appendix G**. The project will be equipped with a sanitary sewer pump station serving both warehouses, designed to meet all applicable regulatory standards. The pump station is intended to be privately owned and discharge to the Town of Wawayanda collection system via a common forcemain that will be installed on Dolsontown Road. The forcemain will discharge to an existing gravity sewer on Dolsontown Road. Ownership of the forcemain will be transferred to the Town of Wawayanda upon project completion. The water and sewer improvements benefitting both RDM and Marangi will be paid for by the applicants pursuant to terms agreed upon by the applicants.

Water service will be provided from the existing water main line on Dolsontown Road, owned and operated by the Town of Wawayanda Water Department. Proposed locations for the water main extension and fire hydrant are detailed in the Utilities Plan. Fire service will be fed through a ductile iron pipe and potable water through a copper pipe to the office spaces on the front side of each building. Potable water service will be provided via a water main that will connect to the Town's existing 12" main and extend beyond the Simon property. The 1,800 gpm fire flow capability of the Town's system will be maintained to the termination of the water main extension. Ownership of the water main will be transferred to the Town upon completion.

The project is anticipated to generate a water and sewer demand of approximately 5,016 gpd. Pursuant to the Intermunicipal Stipulation, the Town has an agreement to purchase up to 200,000 gpd of potable water from the City of Middletown and to send the same amount back to the City's sewage treatment plant as wastewater. The Town currently purchases / consumes approximately

[8] *See* Dolsontown Road Engineering Report, dated April 6, 2022, detailing the technical components of the water and sanitary sewer system extension (Appendix G).

75,000 gpd, resulting in sufficient excess capacity in both the potable water and the sanitary sewer system of approximately 125,000 gpd.[9] Accordingly, no adverse impact is anticipated.

Marangi Solid Waste Facility

Marangi Solid Waste Facility will require water and sewer extensions. Both the water and the sewer are being extended east on Dolsontown Road within the existing water and sewer districts as needed to support the development. These extensions are to be installed in the ROW to minimize additional disturbance beyond that already required for road widening/realignment.

The proposed project will be connected to the Town of Wawayanda's water system via a new 12-inch, Class 52 Ductile Iron Pipe water main which will connect to the existing 12-inch diameter water main located within Dolsontown Road. Additional fire hydrants will be installed along Dolsontown Road. The existing commercial storage building water line will be disconnected from the existing water well and connected to the extended water line along Dolsontown Road. The water and sewer improvements benefitting both RDM and Marangi will be paid for by the applicants pursuant to terms agreed upon by the applicants.

Currently, there is no municipal sanitary sewer located within the project site. As part of the proposed action, a sanitary sewer pump station will collect onsite wastewater and discharge it via a PVC force main to an existing sanitary sewer manhole located along Dolsontown Road adjacent to Parcel Number 6-1-90.1. Please also see the Dolsontown Road Water Sewer System Extension Sanitary Sewer and Water Distribution System Engineering Report contained herein as **Appendix G**, as well as the Full Environmental Assessment Form, revised May 11, 2021, prepared by the Chazen Companies, and included in **Appendix E** for details on the estimated water and sewer production rates. The additional wastewater flows (anticipated to be 2,476 gpd) will not adversely impact the plant's operations and adequate reserve treatment capacity exists to support the project. Therefore, no improvements are planned or proposed for the WWTP. The existing commercial storage building sanitary line will be disconnected from the existing septic system and drain to the sanitary pump station to be discharged to the existing sewer line on Dolsontown Road via a force main. Accordingly, no adverse impact is anticipated.

Conclusion

Based on the foregoing, none of the proposed projects will result in any significant impacts related to water and sewer infrastructure, and all potential issues have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

C. Stormwater Discharges

RDM #3 (a/k/a "Dewpoint South")

The Monhagen Creek is an impaired waterway on the NYS 303D list. As such, the requirements for mitigation of disturbed soil and for increased inspections during construction have been incorporated in the design of the facilities and are noted in the SWPPP (**Appendix A**) to address these discharges per the SPDES permit. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the

[9] *See* Dolsontown Road Engineering Report, dated April 6, 2022, detailing the technical components of the water and sanitary sewer system extension (Appendix G).

next business day and completed within seven days. In addition, a qualified inspector will conduct at least two site inspections every seven calendar days and the two inspections will be separated by a minimum of two full days. Provided that each site follows the SWPPP, no impacts to Monhagen Creek are expected to result.

Stormwater runoff currently sheet flows from east to the west & south, towards the southern property line and the wetland on site. The proposed condition will convey stormwater via sheet flow across the parking lots, into inlets and pipes, and into a variety of Green Infrastructure techniques, including bioretention ponds and subsurface storage chambers, where the runoff will be treated for Water Quality (WQ) and Runoff Reduction (RRv) before the excess runoff is discharged towards the wetland or the property line. Stormwater 'Hotspot' runoff from truck loading bays and trailer storage/parking areas has been pretreated using oil-water separating swirl chambers prior to any infiltration where applicable.

Additional stormwater runoff associated with the roadway widening will be accommodated by providing peak flow detention & water quality treatment for the overall increase in impervious area. The intent is to provide these facilities in areas controlled by the applicant.

RDM #4 (a/k/a "Dewpoint North")

The Monhagen Creek is an impaired waterway on the NYS 303D list. As such, the requirements for mitigation of disturbed soil and for increased inspections during construction have been incorporated in the design of the facilities and are noted in the SWPPP (**Appendix B**) to address these discharges per the SPDES permit. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the next business day and completed within seven days. In addition, a qualified inspector will conduct at least two site inspections every seven calendar days and the two inspections will be separated by a minimum of two full days. Provided that each site follows the SWPPP, no impacts to Monhagen Creek are expected to result.

Stormwater runoff currently sheet flows from southeast to northwest across the site towards the wetland and Monhagen Brook, which flows from north to south across the site. The proposed condition will convey stormwater via sheet flow across the parking lots, into inlets and pipes, and into a variety of Green Infrastructure techniques, including bioretention ponds and subsurface storage chambers, where the runoff will be treater for Water Quality (WQ) and Runoff Reduction (RRv) before the excess runoff is discharged towards the design point of the Monhagen. Stormwater 'Hotspot' runoff from truck loading bays and trailer storage/parking areas has been pretreated using oil-water separating swirl chambers prior to any infiltration where applicable.

Additional stormwater runoff associated with the roadway widening will be accommodated by providing peak flow detention & water quality treatment for the overall increase in impervious area. The intent is to provide these facilities in areas controlled by the applicant.

RDM #5 (a/k/a "Dolsontown East")

The Monhagen Creek is an impaired waterway on the NYS 303D list. As such, the requirements for mitigation of disturbed soil and for increased inspections during construction have been incorporated in the design of the facilities and are noted in the SWPPPs to address these discharges per the SPDES permit. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the next business day and completed within seven days. In addition, a qualified inspector will conduct at least two site inspections every seven calendar days and the two inspections will be separated by a minimum of

two full days. Provided that each site follows the SWPPP, no impacts to Monhagen Creek are expected to result. Please see the SWPPP included in **Appendix C**.

Stormwater runoff currently sheet flows from the east & west edges of the site towards the wetland in the center of the site. The wetlands drain to a Class 'C' stream which flows from north to south through the site and ultimately discharges through a metal culvert beneath Dolsontown Road. The proposed condition will convey stormwater via sheet flow across the parking lots, into inlets and pipes, and into a variety of Green Infrastructure techniques, including bioretention ponds, infiltration ponds, and subsurface infiltration chambers, where the runoff will be treated for Water Quality (WQ) and Runoff Reduction (RRv) before the excess runoff is discharged towards the wetland. Stormwater 'Hotspot' runoff from truck loading bays and trailer storage/parking areas has been pretreated using oil-water separating swirl chambers prior to any infiltration where applicable.

Additional stormwater runoff associated with the roadway widening will be accommodated by providing peak flow detention & water quality treatment for the overall increase in impervious area. The intent is to provide these facilities in areas controlled by the applicant.

RDM #6 (a/k/a "Simon Business Park")

The Monhagen Creek is an impaired waterway on the NYS 303D list. As such, the requirements for mitigation of disturbed soil and for increased inspections during construction have been incorporated in the design of the facilities and are noted in the SWPPPs to address these discharges per the SPDES permit. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the next business day and completed within seven days. In addition, a qualified inspector will conduct at least two site inspections every seven calendar days and the two inspections will be separated by a minimum of two full days. Provided that each site follows the SWPPP, no impacts to Monhagen Creek are expected to result. Please see the SWPPP included in **Appendix D**.

To meet the stormwater requirements, a total of five (5) stormwater management practices have been proposed on site. These five Bioretention basins with underdrains were designed (in accordance with the 2015 New York State Stormwater Management Design Manual and local municipal requirements) to mitigate against stormwater runoff from the proposed impervious surfaces. Runoff from the development is proposed to be routed to a bioretention basin to provide runoff reduction capacity as well as water quality treatment volume. The basins are proposed with a 3-inch mulch layer, 2.5 feet of soil media, and an 8-inch drainage layer with a 6-inch underdrain which ultimately connects to an outlet control structure and discharges downstream to provide WQv.

Additional stormwater runoff associated with the roadway widening will be accommodated by providing peak flow detention & water quality treatment for the overall increase in impervious area. The intent is to provide these facilities in areas controlled by the applicant.

Marangi Solid Waste Facility

The Monhagen Creek is an impaired waterway on the NYS 303D list. As such, the requirements for mitigation of disturbed soil and for increased inspections during construction have been incorporated in the design of the facilities and are noted in the SWPPPs to address these discharges per the SPDES permit. In areas where soil disturbance activity has temporarily or permanently ceased, the application of soil stabilization measures will be initiated by the end of the next business day and completed within seven days. In addition, a qualified inspector will conduct at least two site inspections every seven calendar days and the two inspections will be separated by a minimum of

two full days. Provided that each site follows the SWPPP, no impacts to Monhagen Creek are expected to result. Please see the SWPPP included in **Appendix E**.

Generally, stormwater quality will be managed through the implementation of erosion and sediment control measures and stormwater management facilities and discharged to an on-site wetland, and an onsite stream, then to Monhagen Brook. Methods to minimize stormwater co-mingling include all waste transfer and processing operations taking place on a reinforced concrete floor within the fully enclosed Transfer and Recycling building. Wastewater within the Transfer and Recycling building shall drain to a gravity oil-water separator and discharge to the existing sewer line on Dolsontown Road. The only material to be stored outdoors is uncontaminated concrete, asphalt, rock, and brick, which shall be separated and confined within concrete storage bunkers. The Full Trailer Parking area north of the Transfer and Recycling Building shall drain to the wastewater sewer system. The Full Trailer Parking area shall be covered with a roof to minimize stormwater co-mingling. Site grading shall ensure that stormwater run-on does not impact the vehicle access and parking areas, storage areas or the Transfer and Recycling Building.

Additional stormwater runoff associated with the roadway widening will be accommodated by providing peak flow detention & water quality treatment for the overall increase in impervious area. The intent is to provide these facilities in areas controlled by the applicant.

Conclusion

Based on the foregoing, none of the proposed projects will result in any significant impacts related to stormwater discharges, and all potential issues have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

D. Potential Presence of Threatened or Endangered Species

RDM #3 (a/k/a "Dewpoint South")

Existing Conditions

The subject parcel is approximately 11.66 acres of vacant wooded land which contains 9.2 acres of upland hardwood forest dominated by oak and maple trees, 2.3 acres of federally regulated forested wetlands dominated by red maple swamp species, and .2 acres of developed area. Sizes of the trees very from saplings to mature trees with a wide range of dbh from 3 to 6 inches and tree conditions including dead wood, crevices, and holes. The NYSDEC Environmental Assessment Form indicates that the Indiana bat (Mytosis sodalis) may be located in the vicinity of the site. In addition, USFWS lists the Northern long-eared bat (Mytosis septentrionalis) and small whorled pogonia (Isotria medeoloides) as threatened and endangered species potentially located on the site and the monarch butterfly (Danaus plexippus) as a candidate species potentially located on the site.

Potential Impacts

Ecological Solutions, LLC, completed a Threatened and Endangered Species Habitat Suitability Assessment at the subject site (**Appendix A**). Habitat observation took place at the site on November 20, 2021 and assessed whether suitable habitat exists on the site for the Indiana bat, the Northern long-eared bat, the small whorled pogonia, and the monarch butterfly.[10] Through its investigation

[10] *Threatened and Endangered Species Habitat Suitability Assessment Report for Dewpoint South Site, Dolsontown Road, Town of Wawayanda, New York*. Prepared by Michael Nowicki, of Ecological Solutions, LLC., dated November 24, 2021 (see **Appendix A**).

Ecological Solutions was able to draw conclusions about the potential adverse impacts to the various threatened and endangered species identified.

First, there is no potential habitat for the small whorled pogonia due to the lack of older growth forest on the site. Second, the Northern long-eared bat occupies practically the same habitat niche as the Indiana bat, and therefore impacts to habitat and mitigation for the two species will be the same. Because the tree clearing, grubbing, and earth moving required for the project will occur between October 1 and March 31 when bats are not on site, no adverse impacts to the species from these activities will result. However, generation of dust and noise, potential for changes to surface water quality, and increased lighting on site may impact foraging bats if mitigation measures are not taken. Finally, because no milkweed plants occur on the site, no impacts to the monarch butterfly directly or through loss of habitat will occur,

Mitigation Measures

To avoid adverse impacts to the Northern long-eared and Indiana bat species, the site owner will undertake the following mitigation measures: (1) use approved light fixtures on site with tops that direct light downward to minimize light pollution and decrease interference with potential bat foraging activities; (2) implement soil conservation and dust control best management practices, such as watering dry disturbed soil areas reduce dust, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site; and (3) refrain from maintaining stormwater ponds with chemicals that might adversely affect bats or the insect populations on which they feed.

RDM #4 (a/k/a "Dewpoint North")

Existing Conditions

The subject parcel is approximately 6.17 acres of vacant wooded land which contains 4.0 acres of upland hardwood forest dominated by oak and maple trees, and 2.2 acres of federally regulated forested wetlands dominated by red maple swamp species associated with Monhagen Brook. Sizes of the trees very from saplings to mature trees with a wide range of dbh from 3 to 6 inches and tree conditions including dead wood, crevices, and holes. The NYSDEC Environmental Assessment Form indicates that the Indiana bat (Mytosis sodalis) may be located in the vicinity of the site. In addition, USFWS lists the Northern long-eared bat (Mytosis septentrionalis) and small whorled pogonia (Isotria medeoloides) as threatened and endangered species potentially located on the site and the monarch butterfly (Danaus plexippus) as a candidate species potentially located on the site.

Potential Impacts

Ecological Solutions, LLC, completed a Threatened and Endangered Species Habitat Suitability Assessment at the subject site (**Appendix B**). Habitat observation took place at the site on November 20, 2021 and assessed whether suitable habitat exists on the site for the Indiana bat, the Northern long-eared bat, the small whorled pogonia, and the monarch butterfly.[11] Through its investigation Ecological Solutions was able to draw conclusions about the potential adverse impacts to the various threatened and endangered species identified.

First, there is no potential habitat for the small whorled pogonia due to the lack of older growth forest on the site. Second, the Northern long-eared bat occupies practically the same habitat niche as the

[11] *Threatened and Endangered Species Habitat Suitability Assessment Report for Dewpoint SouthNorth Site, Dolsontown Road, Town of Wawayanda, New York*. Prepared by Michael Nowicki, of Ecological Solutions, LLC., dated November 24, 2021 (see **Appendix AB).**

Indiana bat, and therefore impacts to habitat and mitigation for the two species will be the same. Because the tree clearing, grubbing, and earth moving required for the project will occur between October 1 and March 31 when bats are not on site, no adverse impacts to the species from these activities will result. However, generation of dust and noise, potential for changes to surface water quality, and increased lighting on site may impact foraging bats if mitigation measures are not taken. Finally, because no milkweed plants occur on the site, no impacts to the monarch butterfly directly or through loss of habitat will occur,

Mitigation Measures

To avoid adverse impacts to the Northern long-eared and Indiana bat species, the site owner will undertake the following mitigation measures: (1) use approved light fixtures on site with tops that direct light downward to minimize light pollution and decrease interference with potential bat foraging activities; (2) implement soil conservation and dust control best management practices, such as watering dry disturbed soil areas reduce dust, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site; and (3) refrain from maintaining stormwater ponds with chemicals that might adversely affect bats or the insect populations on which they feed.

RDM #5 (a/k/a "Dolsontown East")

Existing Conditions

The subject parcel is approximately 48.63 acres of vacant wooded land which contains 36.6 acres of maintained/mowed upland meadow, 4.0 acres of upland hardwood forest dominated by oak and maple trees, and 8.9 acres of federal and state regulated forested wetlands dominated by red maple and schrub/shrub swamp species. Sizes of the trees very from saplings to mature trees with a wide range of dbh from 3 to 4 inches and tree conditions including dead wood, crevices, and holes. The NYSDEC Environmental Assessment Form indicates that the Indiana bat (Mytosis sodalis) may be located in the vicinity of the site. In addition, USFWS lists the Northern long-eared bat (Mytosis septentrionalis) and small whorled pogonia (Isotria medeoloides) as threatened and endangered species potentially located on the site and the monarch butterfly (Danaus plexippus) as a candidate species potentially located on the site.

Potential Impacts

Ecological Solutions, LLC, completed a Threatened and Endangered Species Habitat Suitability Assessment at the subject site (**Appendix C**). Habitat observation took place at the site on November 20, 2021 and assessed whether suitable habitat exists on the site for the Indiana bat, the Northern long-eared bat, the small whorled pogonia, and the monarch butterfly.[12] Through its investigation Ecological Solutions was able to draw conclusions about the potential adverse impacts to the various threatened and endangered species identified.

First, there is no potential habitat for the small whorled pogonia due to the lack of older growth forest on the site. Second, the Northern long-eared bat occupies practically the same habitat niche as the Indiana bat, and therefore impacts to habitat and mitigation for the two species will be the same. Because the proposed project will not require any forest removal, no impacts will result in adverse

[12] *Threatened and Endangered Species Habitat Suitability Assessment Report for Dolsontown East Site, Dolsontown Road, Town of Wawayanda, New York*. Prepared by Michael Nowicki, of Ecological Solutions, LLC., dated November 24, 2021 (see **Appendix C**).

effects to Northern long-eared and Indiana bats. Finally, because no milkweed plants occur on the site, no impacts to the monarch butterfly directly or through loss of habitat will occur,

Mitigation Measures

No mitigation measures are proposed since there are no impacts that will result in adverse effects to any of the identified threatened and endangered species.

RDM #6 (a/k/a "Simon Business Park")

Existing Conditions

The subject parcel is approximately 71.189 acres of vacant wooded land which contains 30.64 acres of maintained/mowed upland meadow, 7.29 acres of upland hardwood forest dominated by oak and maple trees, and 33 acres of federally regulated forested wetlands dominated by scrub/shrub and meadow species. Sizes of the trees very from saplings to mature trees with a wide range of dbh from 3 to 8 inches and tree conditions including dead wood, crevices, and holes. The NYSDEC Environmental Assessment Form indicates that the Indiana bat (Mytosis sodalis) may be located in the vicinity of the site. In addition, USFWS lists the Northern long-eared bat (Mytosis septentrionalis) and small whorled pogonia (Isotria medeoloides) as threatened and endangered species potentially located on the site and the monarch butterfly (Danaus plexippus) as a candidate species potentially located on the site.

Potential Impacts

Ecological Solutions, LLC, completed a Threatened and Endangered Species Habitat Suitability Assessment at the subject site (**Appendix D**). Habitat observation took place at the site on November 20, 2021 and assessed whether suitable habitat exists on the site for the Indiana bat, the Northern long-eared bat, the small whorled pogonia, and the monarch butterfly.[13] Through its investigation Ecological Solutions was able to draw conclusions about the potential adverse impacts to the various threatened and endangered species identified.

First, there is no potential habitat for the small whorled pogonia due to the lack of older growth forest on the site. Second, the Northern long-eared bat occupies practically the same habitat niche as the Indiana bat, and therefore impacts to habitat and mitigation for the two species will be the same. Because the tree clearing, grubbing, and earth moving required for the project will occur between October 1 and March 31 when bats are not on site, no adverse impacts to the species from these activities will result. However, generation of dust and noise, potential for changes to surface water quality, and increased lighting on site may impact foraging bats if mitigation measures are not taken. Finally, milkweed plants occur on the site, and thus project-related impacts to the monarch butterfly directly or through loss of habitat will occur.

Mitigation Measures

To avoid adverse impacts to the Northern long-eared and Indiana bat species, the site owner will undertake the following mitigation measures: (1) use approved light fixtures on site with tops that direct light downward to minimize light pollution and decrease interference with potential bat foraging activities; (2) implement soil conservation and dust control best management practices, such as watering dry disturbed soil areas reduce dust, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site; and (3) refrain from

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[13] *Threatened and Endangered Species Habitat Suitability Assessment Report for Simon Business Park, Dolsontown Road, Town of Wawayanda, New York*. Prepared by Michael Nowicki, of Ecological Solutions, LLC., dated November 24, 2021 (see **Appendix D).**

maintaining stormwater ponds with chemicals that might adversely affect bats or the insect populations on which they feed.

No mitigation measures are proposed to avoid impacts to the monarch butterfly.

Marangi Solid Waste Facility

Existing Conditions

The subject parcels are approximately 44.3 acres combined and have been maintained by mowing. The NYSDEC Environmental Resource Mapper indicates that the Indiana bat (Mytosis sodalis) may be located in the vicinity of the site. A January 7, 2021, letter from NYSDEC states that while they "have no records of rare or state-listed animals or plants, or significant natural communities at the project site," "[w]ithin 1.75 miles of the project site is a documented summer location of Indiana bat (Myotis sodalist, a state and federally listed Endangered species)."[14] Trees with suitable characteristics for summer roosting habitat for the Indiana bat have been observed at the site. In addition, USFWS's Information for Planning and Consultation (IPaC) tool lists the Northern long-eared bat (Mytosis septentrionalis) and small whorled pogonia (Isotria medeoloides) as threatened species potentially located on the site. Trees with suitable characteristics for summer roosting habitat for Northern long-eared bat were observed at the site, as well as Hedgerow which may provide suitable habitat for the small whorled pogonia. However, the Hedgerow canopy cover has few breaks, which may impact the species' ability to survive in this area.

Potential Impacts

The main impact of concern for the Indiana and Northern long-eared bat species is the removal of potential roost trees. However, because all tree clearing at the site will occur between October 1 and March 3 when bats are not on site, no adverse impacts to the species from these activities will result. If clearing outside of this proposed range is proposed, additional consultation with NYSDEC and USFWS will be required. A survey of the site was conducted for the small whorled pogonia, but no plants were observed.

Mitigation Measures

To avoid adverse impacts to the Northern long-eared and Indiana bat species, the site owner will undertake the following mitigation measures: (1) use approved light fixtures on site with tops that direct light downward to minimize light pollution and decrease interference with potential bat foraging activities; (2) implement soil conservation and dust control best management practices, such as watering dry disturbed soil areas reduce dust, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site; and (3) refrain from maintaining stormwater ponds with chemicals that might adversely affect bats or the insect populations on which they feed. **Conclusion**

Based on the foregoing, none of the proposed projects will result in any significant impacts related to the potential presence of threatened or endangered species, and all potential issues have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

[14] Letter from Heidi Krahling of NYSDEC to Ryan Elliot, dated January 7, 2021 (see **Appendix E**).

E. Cultural, Historic and Archaeological Resources

RDM #3 (a/k/a "Dewpoint South")

Existing Conditions

The subject parcel is approximately 11.66 acres and has frontage on Dolsontown Road. The site was used as agricultural land for a significant portion of the nineteenth and early twentieth centuries. Topographical maps and aerial images indicate that there were no structures within or adjacent to the boundaries of the parcel in the mid-nineteenth century. The property is lightly wooded with moderate understory. Wetlands are located in the western portion of the parcel, bisected by a dirt road that provides vehicular access to the transmission line on the southern edge of the parcel.

Potential Impacts

Hudson Valley Cultural Resource Consultants, LTD., conducted a Phase 1 Archaeological Investigation at the subject site (**Appendix A**). This study, consisting of a Phase 1A literature search and sensitivity assessment and a Phase 1B archaeological field reconnaissance study, took place between October 26, 2021 and November 16, 2021, and assessed the potential impact to cultural, historic, and archaeological resources on the subject site.[15] The study investigated the site and surrounding areas through a broader historical context, while providing closer examination through the field analysis of a 7.03-acre portion of the subject site, an area which corresponds to the areas proposed for development of the warehouse structure, parking and loading areas, and interior driveways.

The Phase 1A literature search and sensitivity assessment evaluated whether previously identified cultural resources (historic and archaeological sites) are located within the boundaries of the proposed project, and the potential for previously unidentified cultural resources to be located within the boundaries of the project's "area of potential effect." This study was conducted in accordance with the Standards for Cultural Resource Investigations and the Curation of Archaeological Collections published by the New York Archaeological Council and recommended for use by New York State Office of Parks, Recreation and Historic Preservation. The evaluation of environmental data examined the underlying ecology, geology, drainage, and soils. The prehistoric site file search reviewed archaeological sites within a 1-mile radius around the study area. The evaluation of historic potential considered potential settlement of the area by indigenous peoples, and subsequent European settlement based on historical accounts. Historical documents and maps do not reveal any structures located within the boundaries of the area of potential effect. A residential structure located at 1197 Dolsontown Road, about 0.45 miles from the site boundaries is considered eligible for listing on the National Register of Historic Places; however, the structure will not be impacted by the proposed development. The project's location, adjacent to Monhagen Brook, a tributary of the Wallkill River, and previously identified nearby archaeological sites suggested that the project's location is moderate to highly sensitive for precontact cultural resources. The evaluation of historic and topographical maps also suggested that the historic sensitivity of the project is considered moderate to low.

Field investigation of the study area conducted as part of Phase 1B utilized ground surface and subsurface field testing to identify physical evidence for the presence or absence of any archaeological sites. The research team evaluated the study area through an intensive walkover inspection, observing for any areas of prior disturbance, slopes in excess of 12% grade, saturated or wet soils and document evidence of former land usage.

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[15] *Phase 1A Literature Search and Sensitivity Assessment and Phase 1B Archaeological Field Reconnaissance Survey for Dewpoint South: Warehouse Construction Project, 1030 Dolsontown Road, Wawayanda, Orange County, New York*. Prepared by Beth Selig, MA, RPA, of Hudson Valley Cultural Resource Consultants, Ltd., dated November 2021 (see **Appendix A**).

Subsurface investigation was conducted through shovel test, where researchers excavated pits every 50 feet, resulting in a total of 127 shovel tests. Each test pit was then screened for artifacts and the stratigraphic depths, Munsell soil color, texture and inclusions, disturbances and artifacts were recorded. The presence of plastic fragments, modern bottle glass fragments, and twentieth-century architectural materials was noted on field forms, but no cultural material was recovered from any of the completed shovel tests.

Based on the findings of the study, the researchers at Hudson Valley Cultural Resource Consultants concluded that the proposed undertaking will not affect any potentially significant cultural resources and recommended no further cultural resources investigation was warranted for the project. A review of this study by the State's Office of Parks, Recreation, and Historic Preservation, Historic Preservation Division, found that no historic properties, including archaeological and/or historic resources, will be affected by this project.[16]

Mitigation Measures

It should be noted that the project grading plans show that areas in the western, northwestern, and southern portions of the project parcel are outside the areas tested as part of the Phase 1 survey; however, Hudson Valley Resource Consultants has indicated in a follow-up memo that no additional archaeological testing is needed because the proposed grading areas are characterized by slopes in excess of 12% grade and are sufficiently close to areas that have been tested. (**Appendix A**).[17] Accordingly, development of the proposed warehouse facility will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable.

RDM #4 (a/k/a "Dewpoint North")

Existing Conditions

The subject parcel is approximately 6.17 acres and has frontage on Dolsontown Road. The site was used as agricultural land for a significant portion of the nineteenth and early twentieth centuries. Topographical maps and aerial images indicate that a structure was located within or adjacent to the boundaries of the parcel in the mid-nineteenth century; however, the structure later appears outside the boundaries of the project parcel. The property is lightly wooded with moderate understory. Thick areas of understory are located in the northern portion of the site. Wetlands are located in the northwestern portion of the parcel. Portions of the landscape have been disturbed, and in the southeastern corner of the project parcel is an area that has been impacted by development to the west. A large pile of rock and debris is located southwest of the wetland areas.

Potential Impacts

Hudson Valley Cultural Resource Consultants, LTD., conducted a Phase 1 Archaeological Investigation at the subject site (**Appendix B**). This study, consisting of a Phase 1A literature search and sensitivity assessment and a Phase 1B archaeological field reconnaissance study, took place between October 26, 2021 and November 4, 2021, and assessed the potential impact to cultural, historic, and

[16] December 30, 2021 correspondence from Jessica Schreyer, Scientist Archaeology-Division for Historic Preservation. New York Office of Parks, Recreation, and Historic Preservation (see Appendix A).

[17] Memo from Beth Selig of Hudson Valley Cultural Resource Consultants to Isaac Neuman, dated January 18, 2022 (see Appendix A).

archaeological resources on the subject site.[18] The study investigated the site and surrounding areas through a broader historical context, while providing closer examination through the field analysis of a 2.58-acre portion of the subject site, an area which corresponds to the areas proposed for development of the warehouse structure, parking and loading areas, and interior driveways.

The Phase 1A literature search and sensitivity assessment evaluated whether previously identified cultural resources (historic and archaeological sites) are located within the boundaries of the proposed project, and the potential for previously unidentified cultural resources to be located within the boundaries of the Project Area of Potential Effect (APE). This study was conducted in accordance with the Standards for Cultural Resource Investigations and the Curation of Archaeological Collections published by the New York Archaeological Council and recommended for use by New York State Office of Parks, Recreation and Historic Preservation. The evaluation of environmental data examined the underlying ecology, geology, drainage, and soils. The prehistoric site file search reviewed archaeological sites within a 1-mile radius around the study area. The evaluation of historic potential considered potential settlement of the area by indigenous peoples, and subsequent European settlement based on historical accounts. Historical documents and maps indicate that structures were located within or adjacent to the boundaries of the parcel in the mid-nineteenth century; however, this structure later appears outside the boundaries of the project parcel. A residential structure located at 1197 Dolsontown Road, about 0.45 miles from the site boundaries is considered eligible for listing on the National Register of Historic Places; however, the structure will not be impacted by the proposed development. The project's location, adjacent to Monhagen Brook, a tributary of the Wallkill River, and previously identified nearby archaeological sites suggested that the project's location is moderate to highly sensitive for precontact cultural resources. The evaluation of historic and topographical maps also suggested that the historic sensitivity of the project is considered moderate to low.

Field investigation of the study area conducted as part of Phase 1B utilized ground surface and subsurface field testing to identify physical evidence for the presence or absence of any archaeological sites. The research team evaluated the study area through an intensive walkover inspection, observing for any areas of prior disturbance, slopes in excess of 12% grade, saturated or wet soils and document evidence of former land usage.

Subsurface investigation was conducted through shovel test, where researchers excavated pits every 50 feet, resulting in a total of 28 shovel tests. Each test pit was then screened for artifacts and the stratigraphic depths, Munsell soil color, texture and inclusions, disturbances and artifacts were recorded. The presence of plastic fragments, modern bottle glass fragments, and twentieth-century architectural materials was noted on field forms, but no cultural material was recovered from any of the completed shovel tests.

Based on the findings of the study, the researchers at Hudson Valley Cultural Resource Consultants concluded that the proposed undertaking will not affect any potentially significant cultural resources and recommended no further cultural resources investigation was warranted for the project. A review of this study by the State's Office of Parks, Recreation, and Historic Preservation, Historic Preservation

[18] *Phase 1A Literature Search and Sensitivity Assessment and Phase 1B Archaeological Field Reconnaissance Survey for Dewpoint North: Warehouse Construction Project, 1040 Dolsontown Road, Wawayanda, Orange County, New York*. Prepared by Beth Selig, MA, RPA, of Hudson Valley Cultural Resource Consultants, Ltd., dated November 2021 (see **Appendix B**).

Division, found that no historic properties, including archaeological and/or historic resources, will be affected by this project.[19]

Mitigation Measures

It should be noted that the project grading plans show that areas in the western, northern-central and southern portions of the project parcel are outside the areas tested as part of the Phase 1 survey; however, Hudson Valley Resource Consultants has indicated in a follow-up memo that no additional archaeological testing is needed because the proposed grading area exceeds 12% grade (**Appendix B**).[20] In addition, the proposed warehouse building, driveways, and parking areas are all located within the areas surveyed by Hudson Valley Cultural Resource Consultants. No disturbance of the site for the areas outside of the archaeology study area will occur. Accordingly, development of the proposed warehouse facility will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable.

RDM #5 (a/k/a "Dolsontown East")

Existing Conditions

The subject parcel is approximately 48.63 acres of vacant wooded and agricultural land with frontage on Dolsontown Road. The project area consist of a "Northern Portion," a "Southern Portion," and a "Water Line Route" and contains a meadow with delineated wetlands, a pond, some steep and moderately steep slopes, and some areas of disturbance. The site has been used for agricultural purposes for many years (specifically, dairy farming); however, there are no surface indications or map evidence that structures were located here. Areas with the greatest archaeological potential based on topographic features include a knoll at the northern end of the property, the northeastern end of a ridge on the western side of the property, and the relatively level southeastern-facing top of the ridge. No archaeological sites have been recorded in the immediate area.

Potential Impacts

TRC conducted a Phase 1 Archaeological Investigation at the subject site (**Appendix C**) for the then-proposed Wawayanda Energy Center, in accordance with the standards set forth by the New York Archaeological Council and the New York SHPO. This study, consisting of a Phase 1A reconnaissance study and a Phase 1B field investigation, took place between July 26, 2000 and June 17, 2001, and assessed the potential impact of development to cultural, historic, and archaeological resources on the subject site.[21] The evaluation of environmental data examined the underlying physiology and hydrology, geology and soils, and flora and fauna. The study investigated the site and surrounding areas with the goals of locating and identifying cultural resources within the project area and making recommendations on their potential eligibility for the National and State Registers of Historic Places and/or the need for the further research.

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[19] January 3, 2022 correspondence from Jessica Schreyer, Scientist Archaeology-Division for Historic Preservation. New York Office of Parks, Recreation, and Historic Preservation (see Appendix B).

[20] Memo from Beth Selig of Hudson Valley Cultural Resource Consultants to Isaac Neuman, dated January 18, 2022 (see Appendix B).

[21] *Phase 1 Archaeological Survey of the Proposed Wawayanda Energy Center Project, Town of Wawayanda, Orange County, New York*. Prepared by Richard D. Holmes, Timothy Marshall, Nathan Morphew, Toni R. Goar, Gwyneth Duncan, and Deann Muller of TRC, dated June 2001 (see **Appendix C**).

The Phase 1A reconnaissance survey consisted of a pedestrian inspection of the entire property, a site files and literature search at the Field Services Bureau of the New York SHPO at Peebles Island State Park, and a review of historical maps. The pedestrian inspection, which involved a systematic, 100 percent pedestrian survey over the project area (except for delineated wetlands) at 15-meter (approximately 50-foot) intervals, revealed one artifact—a fragment of ironstone ceramic. The site file search reviewed prehistoric and historic sites within a 1-mile radius around the study area. This analysis identified prehistoric land use of the Wallkill drainage, historic occupation and agriculture in Wawayanda, and construction and use of railroads in Orange County as historic contexts that may be a relevant to the project area. The evaluation of this data also suggested that resources that may be present include prehistoric remains, farm machinery and equipment, and material related to the adjacent railroad grade.

Field investigation of the study area utilized systematic subsurface investigation using manually excavated shovel test pits to identity physical evidence for the presence or absence of any archaeological sites. Researchers excavated soil every 15 meters (approximately 50 feet) along transects 15 meters (approximately 50 feet) apart, resulting in a total of 723 shovel tests. Each test pit was then screened for artifacts and the soil textures and colors were recorded. One prehistoric artifact—a single chert flake was discovered in a shovel test pit in the Northern Portion of the site. Four units were excavated at a 1-meter interval around it; however, those pits revealed no artifacts or features. In addition, several historic ceramics from the nineteenth and twentieth centuries were recovered. No subsurface features were found in any of the shovel test pits excavated.

Based on the findings of the study, the researchers at TRC recommended no further archaeological work is needed. A review of this study by the State's Office of Parks, Recreation, and Historic Preservation, Historic Preservation Division, found that no historic properties, including archaeological and/or historic resources, will be affected by this project.[22]

Mitigating Measures

In addition to the opinion offered by SHPO, it should be noted that the proposed warehouse building, driveways, and parking areas are all located within the areas surveyed by TRC. Accordingly, the proposed warehouse development will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable.

RDM #6 (a/k/a "Simon Business Park")

Existing Conditions

The subject parcels are approximately 70.93 acres of vacant wooded land and have frontage on Dolsontown Road. Historical maps from the 18th and 19th centuries show no evidence of structures within the boundaries of the parcel. The site contains a mixture of agricultural fields, some woodlands, and wetlands in southern portions of the site.

Potential Impacts

Tracker Archaeology, Inc., conducted a Phase 1 Archaeological Investigation at the subject site (**Appendix D**). This study, consisting of a Phase 1A documentary study and Phase 1B field testing, took place between September 21, 2020 and October 8, 2020, and assessed the potential impact to cultural,

[22] Correspondence from R. Daniel Mackay, Deputy State Historic Preservation Officer-Division for Historic Preservation. New York Office of Parks, Recreation, and Historic Preservation (see Appendix C).

historic, and archaeological resources on the subject site.[23] The study investigated the site and surrounding areas through a broader historical context, while providing closer examination through the field testing of a 2-acre portion of the subject site, an area which corresponds to the areas proposed for development of the warehouse facility.

The Phase 1A documentary study evaluated the prehistoric and historic potential of the project area for the recovery of archaeological remains, through a review of environmental data, archaeological site files (via the CRIS resources of the New York SHPO in Waterford), archival literature, maps, interviews, documents, and historic websites. This study was conducted in accordance with the standards set forth by the New York Archaeological Council and the New York SHPO. The evaluation of environmental data examined the underlying geology, soils, and topology, nearby hydrology, and predominant vegetation. The prehistoric site file search at SHPO reviewed prehistoric sites within a 1-mile radius around the study area. This analysis suggested that the study area would have a higher-than-average potential for the recovery of prehistoric sites, given the presence of numerous nearby historic sites, proximity to Monhagen Brook, and the level to moderately sloped, well-drained terrain of the subject site. The evaluation of historic potential considered potential settlement of the area by indigenous peoples, and subsequent European settlement based on mapping and property records. An historic site file search was conducted SHPO but did not reveal any historic sites within a 1 mile radius of the project area. The evaluation of this data also suggested that the project parcel would have a higher-than-average potential for the recovery of nineteenth to early twentieth century European-American sites relating to O'Sweezy/Caskey.

Field investigation of the study area conducted as part of Phase 1B utilized ground surface and subsurface field testing to identify physical evidence for the presence or absence of any archaeological sites. The research team evaluated the study area through a walkover investigation at 3 to 5 meter intervals, observing for any above-ground features that might be evidence of a prehistoric or historic site, including berms, rock configurations, or depressions. Subsurface investigation was conducted through shovel tests, where researchers excavated soil every 15 meters (approx. 50 feet), resulting in a total of 297 shovel tests. Each test pit was then screened for artifacts and the soil textures and colors were recorded. The field investigation did not find any prehistoric or historic artifacts or features.

Based on the findings of the study, the researchers at Tracker Archaeology recommended no further archaeological work is needed. In addition, a previous Phase I Archaeological Investigation was performed by Tracker Archaeology in March 2007 and concluded that no further archaeological work is recommended (**Appendix D**). A review of both studies by the State's Office of Parks, Recreation, and Historic Preservation, Historic Preservation Division, found that no historic properties, including archaeological and/or historic resources, will be affected by this project.[24]

On March 21, 2022, following RDM's redesign of the proposed site plan that expanded the total area of impact by about 5.9 acres, Hudson Valley Cultural Resource Consultants performed a Supplemental Phase I Archeological Survey at the site to include areas not included in Tracker Archeology's previous Phase I Survey (**Appendix D**). This study, consisting of a Phase 1A documentary study and Phase 1B field testing, assessed the potential impact to cultural, historic, and archaeological resources at the subject site. The study investigated the site and surrounding areas through a broader historical

[23] *Phase 1 Archaeological Investigation for the proposed Simon Business Park, Town of Wawayanda, Orange County, New York*. Prepared by Alfred G. Cammisa, M.A. with Alexander Padilla, B.A. (CAD), of Tracker Archaeology, Inc., dated October 2020 (see **Appendix D**).

[24] February 4, 2021 correspondence from Philip A. Perazio, Historic Preservation Program Analyst-Archaeology Unit. New York Office of Parks, Recreation, and Historic Preservation (see **Appendix D**).

context, while providing closer examination through the field testing of the 5.9 acres not investigated previously.

The Phase 1A documentary study was conducted in accordance with the standards set forth by the New York Archaeological Council and the New York SHPO. The study did not reveal any significant cultural resources.

Field investigation of the study area conducted as part of Phase 1B utilized ground surface and subsurface field testing to identify physical evidence for the presence or absence of any archaeological sites. The research team evaluated the study area through a walkover inspection and subsequent subsurface investigation through shovel tests, where researchers excavated soil every 15 meters (approx. 50 feet), resulting in a total of 26 shovel tests. Each test pit was then screened for artifacts and the soil textures and colors were recorded. The field investigation did not find any prehistoric or historic artifacts or features.

Based on the findings of the study, the researchers at Hudson Valley Cultural Resource Consultants recommended no further archaeological work is needed. A copy of this study has been submitted to the State's Office of Parks, Recreation, and Historic Preservation for review.

Mitigating Measures

Based on the findings of Tracker Archaeology and Hudson Valley Cultural Resource Consultants, and the opinion offered by SHPO, the proposed warehouse development will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable. Please note that a Supplemental Phase 1B Archaeological Field Reconnaissance Survey for a 5.29-acre portion of the site that was not evaluated in the original survey is scheduled to occur as soon as on-site conditions permit. The supplemental testing will be limited to the location of ground disturbing impacts (areas of grading/grubbing, drainage channels, building and roadways, staging/laydown areas, and subsurface utilities).

Marangi Solid Waste Facility

Existing Conditions

The subject parcels are approximately 44.3 acres combined and have frontage on Dolsontown Road. Parcel 6-1-3.32 was historically used as a dairy farm and more recently has been managed by mowing. The site contains several structures associated with the former farm operation, including a barn complex and silo. Parcel 6-1-3.31 was most recently used for a commercial business, Bianchi Floors Inc., and a residence. Solar panels were installed on this parcel in 2014. Parcel 6-1-3.31 contains a 20th century dwelling and store and open areas are managed by mowing. An 1859 map of Orange County depicts no structures on or adjacent to the project area and a 1908 U.S.G.S. shows no structures on or adjacent to the project area (see **Appendix E**). A New York Museum-recorded archaeological site, NYSM 6169, described as a "Cemetery" is mapped within the project area; however no other information about the site is available.

Potential Impacts

Tracker Archaeology, Inc., conducted a Phase 1 Archaeological Investigation at the subject site (**Appendix E**). This study, consisting of a Phase 1A documentary study and a Phase 1B field testing, took place between February 18, 2021 and April 7, 2021, and assessed the potential impact to cultural,

historic, and archaeological resources on the subject site.[25] The study investigated the site and surrounding areas through a broader historical context, while providing closer examination through the field testing of an 18-acre portion of the subject site, an area which corresponds to the areas proposed for development of the solid waste facility.

The Phase 1A documentary study evaluated the prehistoric and historic potential of the project area for the recovery of archaeological remains, through a review of environmental data, archaeological site files (via the CRIS resources of the New York SHPO in Waterford), archival literature, maps, interviews, documents, and historic websites. This study was conducted in accordance with the standards set forth by the New York Archaeological Council and the New York SHPO. The evaluation of environmental data examined the underlying geology, soils, and topology, nearby hydrology, and predominant vegetation. The prehistoric site file search at SHPO reviewed prehistoric sites within a 1-mile radius around the study area. This analysis suggested that the study area would have a higher-than-average potential for the recovery of prehistoric sites, given the presence of numerous nearby historic sites, proximity to Monhagen Brook, and the well-drained terrain of the subject site. The evaluation of historic potential considered potential settlement of the area by indigenous peoples, and subsequent European settlement based on mapping and property records. An historic map documented structure was noted on or adjacent to the project area in 1950, in addition to the Caskey milk station in 1875; however no historic sites were recorded in the area. The evaluation of this data also suggested that the project parcel would have a higher-than-average potential for the recovery of nineteenth to early twentieth century European-American sites relating to Hulse/Caskey.

Field investigation of the study area conducted as part of Phase 1B utilized ground surface and subsurface field testing to identify physical evidence for the presence or absence of any archaeological sites. The research team evaluated the study area through a walkover investigation, observing for any above-ground features that might be evidence of a prehistoric or historic site, including berms, rock configurations, or depressions. Subsurface investigation was conducted through shovel tests, where researchers excavated soil every 15 meters (approx. 50 feet), resulting in a total of 297 shovel tests. Each test pit was then screened for artifacts and the soil textures and colors were recorded. The field investigation did not find any prehistoric or historic artifacts or features.

Based on the findings of the study, the researchers at Tracker Archaeology recommended no further archaeological work is needed. A review of this study by the State's Office of Parks, Recreation, and Historic Preservation, Historic Preservation Division, found that the project will not adversely affect historical or archaeological properties listed or eligible for listing on the National Register of Historic Places, provided that the applicant implements SHPO's Human Remains Discovery Protocol if evidence of human remains or possible burial goods is encountered.[26]

Mitigating Measures

In addition to the opinion offered by SHPO, it should be noted that the proposed solid waste facility and associated operations are all located within the areas surveyed by Tracker Archaeology. No disturbance of the site for the areas outside of the Tracker Archaeology study area will occur. In addition, should any evidence of human remains or possible burial goods be encountered during development of the site, SHPO's 2021 Human Remains Discovery Protocol will be implemented

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[25] *Phase 1 Archaeological Investigation for the Dom-Mar Transfer & Recycling Center, Town of Wawayanda, Orange County, New York*. Prepared by Alfred G. Cammisa, M.A. with Alexander Padilla, B.A. (CAD), of Tracker Archaeology, Inc., dated April 2021 (see **Appendix E**)

[26] June 15, 2021 correspondence from Philip A. Perazio, Historic Preservation Program Analyst-Archaeology Unit. New York Office of Parks, Recreation, and Historic Preservation **(see Appendix E**).

immediately.[27] Accordingly, development of the proposed Solid Waste Facility will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable.

Dolsontown Road Right-of-Way (ROW)

Existing Conditions

Dolsontown Road is an improved road with a narrow road shoulder in areas between Route 17M to McVeigh Road. The road has overhead utility lines and subsurface water and sewer lines. Guardrails border the road in certain areas that cross over drainage culverts and Monhagen Brook. It is primarily bordered by a mix of residential and commercial properties, with some mowed agricultural fields.

The proposed changes to the road include widening and improving the one-mile course of roadway between Route 17M and McVeigh Road to support the proposed new development along the roadway. The proposed improvements will expand the road shoulder to widen the travel lanes on one or both sides, adding up to 10-12 feet at the widest portions.

Potential Impacts

Hudson Valley Cultural Resource Consultants, Ltd.., conducted an Archaeological Sensitivity Assessment of the proposed ROW along the northern and southern sides of Dolsontown Road. The total area is considered one mile in length from Route 17M east-southeast to McVeigh Road (**Appendix H**). This assessment examined historic (19th century) maps and the site file information housed by the New York State Office of Parks, Recreation and Historic Preservation in their Cultural Resource Information System.[28] One National Register Eligible property—1197 Dolsontown Road—is located along this portion of Dolsontown Road, 40 feet from the edge of the pavement. Current concept plans indicate that only the existing road shoulder will be improved in the vicinity of this structure. No archaeological sites were identified in close proximity to the edge of the existing roadway. The evaluation of this data revealed that the potential for intact archaeological deposits within the boundaries of the proposed undertaking is low to none. Based on the findings of the study, the researchers at Hudson Valley Cultural Resource Consultants concluded that the work proposed on the ROW will not have a significant or adverse impact on any above ground resources in the area.

Mitigating Measures

It should be noted that the proposed ROW is located entirely within the areas studied by Hudson Valley Cultural Resource Consultants. In addition, more than 12 cultural resource studies have been completed in the general vicinity of the ROW and have not identified any significant cultural resources or archaeological sites. Accordingly, the proposed ROW and associated improvements to the road will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable.

Conclusion

Based on the foregoing, none of the proposed projects will result in any significant impacts related to the potential presence of important historical and archeological resources, and all potential issues

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[27] Details of the protocol are located in an attachment to SHPO's June 15, 2021 letter (*see infra* note 25).

[28] *Archaeological Sensitivity Assessment for the Dolsontown Road Right of Way Improvements, Dolsontown Road, Town of Wawayanda, Orange County, New York*. Prepared by Beth Selig, President of Hudson Valley Cultural Resource Consultants., dated January 24, 2022 (see **Appendix H**).

have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

Chapter 4: Response to Comments on the DGEIS

A. Introduction

This chapter summarizes and responds to comments on the Dolsontown Corridor DGEIS. The Town of Wawayanda Planning Board, acting as lead agency, circulated a joint Notice of Completion for the DGEIS and Notice of Public Hearing on DGEIS and Requested Project Approvals on May 19, 2022, which established the commencement of the public comment period. The DGEIS was made publicly available at the Wawayanda Town Hall and on the Town's website the same day. In addition, a notice of its availability was published in the Environmental Notice Bulletin on May 25, 2022.

Two public hearings were held during the public comment period. The first was on June 8, 2022, the second was on July 13, 2022. A court reporter was on hand to accept oral comments on the DGEIS at the public hearings. Written comments (emails and letters) were accepted throughout the public comment period. The comment period was originally scheduled to close on June 20, 2022 (32 days after its commencement); however, the Town of Wawayanda Planning Board extended the public comment period to July 25, 2022 (67 days after its commencement) to provide sufficient opportunity for involved and interested agencies to review and provide substantive comments on the DGEIS. All substantive comments on the DGEIS have been responded to in this FGEIS.

The section titled Responses to Comments on the DGEIS contains a summary of all substantive comments made followed by a response. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and where more than one commenter expressed similar views, those comments have been grouped and addressed together.

Some commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Others suggested editorial changes. Where relevant and appropriate these edits, as well as other substantive changes to the DGEIS, have been incorporated into this FGEIS.

The section titled List of Commenters lists the public agencies, elected officials, organizations, and individuals that provided relevant comments on the DGEIS. Appendix N of this FGEIS contains the written comments on the DGEIS received from members of the public and the Involved and Interested Agencies on the DGEIS, as well as the transcripts from the two public hearings and a list of individuals who signed the *PETITION TO DESIGNATE THE DOLSONTOWN CORRIDOR A WILDLIFE PRESERVE*, which was provided by the petition organizers.

B. Responses to Comments on the DGEIS

Section 1. Purpose and Need

C1: Several commenters expressed support for the Dolsontown Corridor projects because they will generate local jobs.

R1: Comment noted.

C2: In Orange County right now you need another transfer station. They closed Newburgh. They don't take commercial in Port Jervis. We're down to two transfer stations in the County that only take garbage, and right now the lines are an hour long. Pretty soon you're going to have nowhere to put the garbage. The County's transfer station starts late and closes early. IWS starts at 7:30

now and closes at 3:30. Everything is being reduced because there's no help right now they're saying. The County is crying for another transfer station.

R2: Comment noted.

C3: Several commenters asked whether the applicants have demonstrated a need for these projects.

R3: The proposed warehouse projects are located in the MC-1 zoning district. Given their proximity to major roadways and the current, nation-wide demand for warehouse space, resulting in significant supply chain delays, which has widely been reported on as contributing to the highest rate of inflation in nearly 40 years, the Warehouse Projects would address the needs of both consumers and distributors.

The Marangi Solid Waste Facility shall provide increased transfer and material sorting and recovery capacity to help meet current local and State recycling objectives, with the flexibility to support future recycling initiatives, and allows for upsets in waste stream generation due to seasonal fluctuation, and the inevitable natural disasters that occur in the Northeast USA which are reported to generate debris volumes equivalent to five to 15 times the normal generation rates.

C4: Several commenters asked what benefits these projects will have on the surrounding community.

R4: Economic activity generated by the projects will create opportunities for additional commerce for the area, particularly for the Town, nearby Village of Goshen and City of Middletown. The projects will increase tax revenues to the Town and other taxing jurisdictions including the local school district (without generating any school age children) and will provide jobs to community members.

In addition, the proposed projects are located in "Priority Growth Areas" where Orange County encourages additional urban development including "appropriate industrial development." The projects would increase the economic activity on nearby portions of the Route 17M corridor amongst the other existing, established commercial development. New tax generating uses would be created on previously dormant land. There would be permit and fee revenue to initiate construction and short-term job creation for construction activity. The long-term benefits include permanent jobs on site and additional economic activity generated around the site. All of these factors will contribute to a balanced and vibrant increase in the local economy, in line with the goals and objectives of the Orange County Comprehensive Plan and the Town of Wawayanda Comprehensive Plan.

Section 2. Community Character

C1: Several comments expressed support for the Marangi Solid Waste Facility because it is a local, family-owned business.

R1: Comment Noted

C2: Several commenters expressed concerns over the potential negative impacts the proposed Warehouses and the Marangi Solid Waste Facility will have on community character.

R2: The projects are all located in the MC-1 Zone which permits warehouse distribution facilities with site plan and special use permit approval. Moreover, pursuant to the Town of Wawayanda Comprehensive Plan, the MC-1 Zone is a district "intended to provide a principal area for intensive

nonresidential development such as office, retail, service businesses, manufacturing and industrial uses." The Comprehensive Plan further indicates that the zone is intended to be developed with commercial enterprises and specifically excludes residential uses and observes that recently attracted uses include small contractor yards, offices, retail, large warehousing and industrial uses. Finally, the Comprehensive Plan recommends that the Town continue to allow commercial/industrial uses on a minimum 2-acre lot size. Thus, the projects are consistent with the character of the area in which they are situated and the Town's plans for the area.

C3: Some comments suggested that four warehouses and a transfer station do not fit with the Town's goals of economic diversity and harmonizing traffic and infrastructure with existing rural culture.

R3: See Comment 2. Also note, the Town of Wawayanda Comprehensive Plan seeks to "preserve the Town's rural character by encouraging a policy of locating commercial development and higher density residential uses where municipally provided services are available." In addition, the Wawayanda Comprehensive Plan and the Orange County Comprehensive Plan provide for Priority Growth Areas, which "typically have the infrastructure to serve growth, including transportation (both motorized and non-motorized), central water and sewer services, dense housing, and other infrastructure that enables efficient and logical development." As a result, both the Town and County encourage additional development, including "appropriate industrial" development in these areas. The location of the proposed projects is consistent with these concepts.

C4: A few commenters are concerned that these projects will decrease neighboring residential property values.

R4: The Dolsontown Corridor projects are consistent with MC-1 zoning, as contemplated in the Town of Wawayanda Comprehensive Plan, which is a district intended to provide a principal area for intensive **nonresidential** development such as office, retail, service businesses, manufacturing and industrial uses. The projects are being advanced in a manner to minimize and mitigate any impacts on neighboring properties as more fully set forth in the FEIS. In addition, Mid Dolsontown, LLC, owner of property known as Simon Business Park (SBL # 6-1-107 and 6-1-90.1) is a contract purchaser of the residential use property known as 24 Caskey Lane (SBL # 6-1-90.24). Closing will take place 120 days after Mid Dolsontown, LLC receives all requisite approvals for the Simon Business Park project.

C5: Referring to the emergency access driveways proposed on Caskey Lane, one commenter expressed concerns about an emergency road through or near their property.

R5: Mid Dolsontown, LLC, owner of property known as Simon Business Park (SBL # 6-1-107 and 6-1-90.1) is a contract purchaser of the residential use property known as 24 Caskey Lane (SBL # 6-1-90.24). Closing will take place 120 days after Mid Dolsontown, LLC receives all requisite approvals for the Simon Business Park project. The emergency access driveways from Caskey Lane to Dewpoint South and Simon Business Park will not cross any private neighboring property. In addition to the preservation of existing vegetation, landscaping is proposed at the emergency access points to the sites from Caskey Lane to minimize potential visual impacts from the project.

C6: One comment expressed concerns that as a result of these projects, "more animals will move further into the community, and more people will complain - or there will be more roadkill to clean up, and in 5 months there will be a town hall about what can be done about this."

R6: The location of these projects is consistent with the Town's long-term planning goals, which, according to the Town of Wawayanda Comprehensive Plan, aim to achieve "a balance between

hamlet, suburban, and rural perspectives and a balance between new growth and protecting the existing quality of life." The projects are located in a Priority Growth Area, as opposed to other areas of the Town "designated as a rural area throughout" and for which "the County's highest priority is the preservation of open space which includes both working landscapes and natural resources."

Section 3. Traffic

C1: Several comments contained general concerns about the impacts these projects would have on traffic in the area.

R1: An extensive analysis of traffic impacts has been conducted by the applicants. Upon implementation of appropriate Site Generated Traffic Mitigation Measures, all potential impacts will have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

C2: Several commenters wanted to know the total number of trucks per day that will be entering and exiting the Marangi site. More specifically, how many trips will be generated by the Transfer Station and how many by the Truck Maintenance/Storage Facility. How many total daily truck trips and vehicle trips is the solid waste handling facility (Phase 1 + Phase 2) expected to generate? Can truck and vehicle trip data be provided from an existing solid waste handling facility of similar size and be used to evaluate this project?

R2: The total number of trucks per day entering and exiting the site is 124. The Transfer and Recycling Facility is anticipated to generate 248 truck trips per day. The Truck Maintenance/Storage Facility is anticipated to generate 80 truck trips per day. The 40 trucks which will exit the Truck Maintenance/Storage Facility very early in the morning will return through the Transfer and Recycling Facility. Therefore, the Truck Maintenance/Storage Facility is not expected to increase the total number of truck trips per day as they are already included for the Transfer and Recycling Facility. The Facility proposes to operate during the expanded hours of 4:00 am to 7:00 pm to distribute traffic flow as evenly as possible and avoid peak traffic times.

The total number of vehicle trips per day for the Phase 1 Transfer and Recycling Facility is 80 including the employees for the Transfer and Recycling Facility (10), the administration office (20), and visitors (10). The total number of vehicle trips per day for the Truck Maintenance Facility is 100 including the collection truck drivers (40), and mechanics (10).

The truck and vehicle trips are based on the vehicles anticipated to utilize the facility and are typical for the industry and the materials to be handled.

C3: In Appendix E Capacity Analysis, on pdf page 420 of 654, in Section E, Capacity Analysis, a statement is made that "Traffic generated by the proposed project will noticeably increase delays on the westbound in the PM peak hour as compared to the No-Build condition. Minor signal changes of 1-2 seconds will mitigate the impacts of the project's traffic." While capacity analysis may indicate otherwise, in reality, timing changes of 1-2 seconds will have no measurable impact on the operation of the traffic signal. Is "project" referring to the entire development or just the Marangi property? This should be addressed in the document.

R3: The term "project" in the Chazen Companies April 2021 Traffic Impact Analysis refers only to the Marangi property, and not the Dolsontown Corridor projects. The Colliers traffic study considered the impacts and proposed mitigation for all of the proposed projects on

Dolsontown Road and supersedes the Chazen report. The Chazen report should be used for reference only.

C4: One comment questioned whether the population growth rate of Orange County was factored into the traffic study.

R4: The background growth factor of 0.5% per year used in the Traffic Impact Report was based on NYSDOT Historical Traffic Data Reports for the NYS Route 17M Corridor 520' feet south of James P. Kelly Way (Station 830069) and 310' northeast of the I-84 Westbound Off Ramp (Station 830018). This data is summarized in Appendix 2 – Attachment A. As summarized in this Table, the NYSDOT traffic projections from 2017 to 2019, shows a slight reduction in background growth. Notwithstanding the above, a 0.5% per year (for a total 5%) general background growth was utilized. It should be noted, as outlined in the TIS, traffic for 10 "other" proposed developments was included in the Year 2032 traffic projections in developing the Year 2032 No-Build Conditions. The inclusion of these other proposed developments resulted in a total background growth of 18% - 22% at the study area intersections.

C5: Recent Webex meetings with NYSDOT regarding the technical review of the document identifies that the alignment of Dolsontown Road and James P Kelly Way are skewed in such a manner that the current traffic plan at the intersection is a "non-starter" for NYSDOT. The Applicant's Traffic Consultants have identified that additional improvements are proposed at James P Kelly Way, revised traffic studies and plans must be prepared identifying the proposed improvements at the intersection.

R5: Modification to the James P. Kelly Way approach has been included on Sheet 1A in Appendix 1-Attachment H. the separate right turn lane is identified as being shifted south to allow for through eastbound lane alignment with Dolsontown Road.

C6: Additional DOT comments regarding proposed lanes on Route 17M do not meet their manual of Uniform Traffic Control Devices. Revised layouts of this roadway, including any modifications to the Traffic Studies must be submitted.

R6: Lane widths are identified in Sheet 1A in Appendix 1-Attachment H and call for 12' travel lanes and turning lanes with 6' shoulders in conformance with the NYSDOT Highway Design Manual.

C7: This office continues to have concerns regarding traffic flow during "extreme" traffic events at the car wash facility. Traffic at the intersection is bottle necked during these extreme events such that no traffic can often proceed thru the intersection often requiring State Police intervention for traffic control. The Traffic Study must address these extreme events and how traffic will be managed.

R7: The SK-1 drawing for car wash alternate access was prepared as a courtesy to the Town and was not part of the GEIS scope. We understand discussion between the Town and the car wash operator are underway to determine the best method to address the queuing.

Wash Co. is in the process and nearing approval of a revised site plan which will relocate the entrance of the carwash to the east of the tunnel. This relocated entrance will accommodate approximately 74 cars worth of storage off Dolsontown Road and on the site, which is expected to relieve most if not all the existing queuing that occurs from the carwash today.

C8: The Planning Board has had discussion regarding the potential of a new exit ramp at Dolsontown Road east of Mcveigh Road allowing an on-ramp and off-ramp from New York State Route 84 eastbound to Dolsontown Road. This analysis should be incorporated into the Traffic Study and the FEIS.

R8: The potential for introducing a new interchange to I-84 to Dolsontown Road was not part of the adopted scoping document. Such a proposal would involve coordination among the town, state and federal government and the various departments within each and would require a design year 20 years beyond the design approval that itself could total 5 or more years. Additionally, according to federal guidelines, each interchange should provide for all traffic movements. Furthermore, minimum spacing of interchanges should be 1 mile in urban areas and 3 miles in rural areas.

There are other considerations such as location of power substation, location of 2 overhead power transmission lines, the presence of Monhagen Brook, land acquisition requirements, etc., make such an evaluation very much abstract and unwarranted given the significant improvements that have been identified and included to mitigate impacts associated with the projects identified within the DGEIS.

C9: The Planning Board proposed an alternative access point at Sunrise Drive. This analysis should be included in the alternative analysis which would relieve traffic from the Dolsontown Road corridor.

R9: An alternative access point for Dewpoint South and Simon Business Park via Sunrise Drive was studied and determined to be infeasible, considering the objectives and capabilities of the project sponsor. Additionally, the Applicant does not own the property that would need to be crossed in order to make use of Sunrise Drive. Accordingly, this alternative would not require review pursuant to 6 NYCRR 617.9(b)(5)(v).

Notwithstanding the foregoing, we have examined the potential use of Sunrise Drive as an access point and note that such use would be more impactful than the access currently proposed for a number of reasons. For example, the access drive would need to traverse Monhagen Brook and its associated flood plain, requiring construction of a bridge. This would in turn cause disturbance to wetlands and increases in impervious surface. We would also anticipate the potential displacement of flood storage volume for development of this new roadway, which would require mitigation in the form of additional earth work to assure a zero-net increase of storage. Any development of a roadway connection from Sunrise Drive to Dolsontown Road would also require crossing the established electrical transmission lines and easements between the two roadways.

Moreover, the use of Sunrise Drive as an access point would not eliminate the need for improvements to the RT 17M/ Dolsontown Road intersection. Additionally, substantial additional improvements would be required at the NYS Route 17M/US Route 6/Sunrise Park Road intersection and on Sunset Park Road, including upgrades to accommodate commercial traffic, construction of a bridge to cross Monhagen Brook, and more than ¼ mile of new roadway.

C10: The DGEIS traffic studies were prepared prior to the Town receiving an application for a one million +/- square foot warehouse facility located west on NYS Route 6. That project, which has not had a SEQRA determination made, is currently proposing traffic mitigation measures at Route 6 and Route 17M and Route 17M and Route 84. The Dolsontown corridor Traffic Study

should take into account the proposed Scannell traffic improvements make comprehensive manner. Timing of all traffic improvements should be addressed in the document.

R10: While not present in the adopted scope, the interchange of Route 17M with I-84 has been included herein. See response to NYSDOT CRF Item 10 in Appendix 1 – Attachment E.

C11: The methodology for construction of all traffic improvements should be identified in the document. Timing of the traffic improvements and building permits should be identified such that all traffic improvements are in place prior to issuance of a building permit for any of the projects. Additional traffic comments will be provided by the Town's Traffic Consultant, Creighton Manning Engineering.

R11: The Applicants agree to be responsible for the funding and construction of the improvements identified that are directly related to the proposed action. This includes widening the westbound approach of Dolsontown Road to provide a four-lane section (one eastbound lane, a separate left turn lane, a through lane, and a through/right turn lane), as part of their proposed mitigation for the proposed action.

Moreover, the Applicants agree that the improvements shall be in place prior to the issuance of the first CO, but do not believe it appropriate or necessary to have the improvements in place prior to the issuance of the first building permit. We note, however, that the Applicants have no objection to the posting of appropriate security for such improvements, prior to the issuance of the first Building Permit.

Subsequent to the preparation of response to the GEIS, a development identified as Slate Hill Commerce Center (Scannell) was granted conditional approval of a Special Use Permit and Site Plan for a project located on Route 6 approximately 1.5 miles west of Route 17M. As part of the mitigation of that development's impacts on transportation, the Commerce Center is responsible for the installation of a second left turn lane on the Route 6 approach to Route 17M. Furthermore, the Commerce Center proposed to modify pavement markings on Route 6/Route 17M approaches at the I-84 interchange to provide for a dedicated I-84 westbound exit lane to Route 17M northbound thereby eliminating the need for a stop condition on the westbound exit ramp at Route 17M. This will reduce potential for extensive queues during peak hour periods. Preliminary Plans for the modifications are under preparation and will be submitted to the NYSDOT for approval.

C12: The individual Planning Board members provided documentation of significant vehicle cueing on Dolsontown Road westbound. This queuing seems to be longer than that which is identified in the Traffic Studies. Evaluation of the actual queuing which occurs in the field during afternoon peak hours should be provided and Traffic Study adjusted accordingly based on the number of vehicles identified queueing at the intersection.

R12: Although extensive queues may be evident under Existing and No-Build conditions, it should be noted that significant improvements in the form of additional separate turning lanes (left turn lanes and right turn lanes) are proposed as modification along with modification to traffic signal timings and phasing. Review of future available storage lane length indicate the following:

- Based on the 2032 Build analyses, only the westbound through/left lane queue (PM Hour, 95%) exceeds the available storage; this is similar to the 2032 No-Build condition.

- Based on the 2032 Build analyses with additional westbound through lane, additional northbound left turn lane and additional northbound right turn lane, all queues are within available storage lane length.
- Based on the 2032 Build analyses with additional eastbound left turn lane and additional northbound left turn lane, all queues are within available storage lane lengths.

C13: The applicant's representatives are requested to evaluate the ability to expand the lanes within the Dolsontown 17M intersection based on the current width of the bridge located at the intersection.

R13: The proposed improvements at the Dolsontown Road/Route 17M intersection include an additional separate left turn lane on Route 17M northbound and a separate right turn lane on Route 17M northbound. Therefore, Route 17 south of Dolsontown Road will have a 7-lane paved section; 2 lanes southbound and 5 lanes northbound. The Dolsontown Road approach is proposed to be furnished with a separate through lane so total pavement section at the bridge will be 4 lanes. The location of a sanitary sewer pump station located in the southeast corner limits the ability for further expansion to the east and south.

C14: The document should discuss the timing, financial arrangements, and mechanism for construction of the Dolsontown Road and 17M Road improvements.

R14: Please see Section 3 Response 11.

C16: In the vicinity of Dolsontown and McVeigh roads, impacts regarding noise, visual and access to the trail should be evaluated. Several Planning Board Members commented regarding a potential interconnect between the project corridor (possibly along the Mohegan Brook) to the Rail Trail/Heritage Trail should be evaluated. Pedestrian/bicycle access to the trail extending from the Dolsontown Road 17M corridor to the newly created trail system should be analyzed to allow a pedestrian friendly interconnect between the projects and the Rail Trail.

R16: Receptor 2 located near 1081 Dolsontown Road has been evaluated to determine any potential noise impacts to the Dolsontown Road corridor. Noise along this corridor is primarily influenced by vehicular traffic along Dolsontown Road as well as highway noise on I-84. Receptor 2 has been identified as the representative receptor for critical Dolsontown Road noise levels due to the anticipated arrival and departure distributions and its location in relationship to the multiple proposed projects. Based on this and the fact that the majority of truck trips generated by the various projects will be destined toward Route 17M and the I-84 corridor, we anticipate the noise impact on the Dolsontown Road and McVeigh Road intersection to be less than those identified at Receptor 2 which was found to be at acceptable levels.

As for noise mitigation measures relative to the nearby Heritage Trail, it should be noted that the proposed truck loading area for the Dolsontown East site is located approximately 400 feet away from the Heritage Trail. Furthermore, there is an existing vegetative buffer along the Heritage Trail of 45 to 90 feet and additional tree plantings are proposed on site. For these reasons we anticipate the noise impact to the Heritage Trail to be minimal. Furthermore, as part of the final site plan review, additional measures including the potential installation of a sound wall in proximity of the truck loading area could be included.

C17: DGEIS Page 38 – Site Generated Traffic Mitigation Measures: Describe the specific project related mitigation measures, aside from the widening of Dolsontown Road corridor improvement.

R17: Please see Attachment D in Appendix 1 prepared in response to NYSDOT Comment #9 included in the Comment/Response Form (CRF).

C18: TIS Page 6 – The report describes the base traffic volumes as an "amalgamation" of counts from various sources. Please elaborate. For example, the table below compares the count sheets and the Figures for 2022 existing conditions at the Rt 17M/Dolsontown Road/James P Kelly intersection. While some individual movements were analyzed with fewer vehicles than counted, overall, the analysis used volumes 34% and 21% higher volumes in the AM and PM peak hours respectively, than counted. Was this a primary result of pandemic and seasonal variation adjustments?

From North				From East				From South				From West				Int Total	
RT	Thru	LT	Tot	RT	Thru	LT	Tot	RT	Thru	LT	Tot	RT	Thru	LT	Tot	Total	
12	369	60	441	78	75	103	256	188	419	302	909	398	161	33	592	2198	AM Count
23	458	89	570	87	29	125	241	151	760	430	1341	516	231	37	784	2936	AM Fig 2
31	546	113	690	147	186	239	572	245	601	411	1258	277	157	50	486	3006	PM Count
61	810	169	1040	141	292	203	636	187	813	391	1391	325	206	27	558	3625	PM Fig 3

R18: As discussed in the DGEIS Traffic Impact Study, in order to establish existing traffic conditions in the vicinity of the site, all available traffic count data for the study area intersections were obtained including traffic counts collected on January 1, 2022 (referenced on the CME Table above as AM and PM Count) and the recently approved traffic volumes contained in the 1081 Dolsontown Road Study. A summary Table of the available count information is included in the NYSDOT Comment/Response Form (CRF) attached in Appendix 1 – Attachment B. The resulting Year 2022 Existing Traffic Volumes in the DGEIS Traffic Impact Study (shown in the CME Table above as AM Fig 2 and PM Fig 3) accounted for any adjustments due to the pandemic and seasonal adjustments.

C19: McVeigh Road has been closed for I-84 bridge overpass rehabilitation. How was this closure accounted for in the base traffic volumes?

R19: A number of sources were used to develop the McVeigh Road base volumes including historical data collected prior to the I-84 bridge work, specifically, counts conducted in 2014 for the Maple Field project. These were adjusted upward to account for growth and were also compared to counts provided by the NYSDOT Record Traffic Count data from 2019 and were found to be appropriate for use. Furthermore, these volumes were approved as part of the 1081 Dolsontown Road project.

C20: The background growth rate used was 0.5% per year based on historical data. Expand on what NYSDOT data was used, what road segments were considered, and whether the Colliers ATR data was used. We suggest providing a graphical representation of the data used and growth trendline.

R20: The background growth factor 0.5% per year was based on NYSDOT Historical Traffic Data Reports for the NYS Route 17M Corridor 520' feet south of James P. Kelly Way (Station 830069) and 310' northeast of the I-84 Westbound Off Ramp (Station 830018). This data is summarized in Appendix 2 – Attachment A. As summarized in this Table, the NYSDOT traffic projections from 2017 to 2019, shows a slight reduction in background growth. Notwithstanding the above, a 0.5% per year (for a total 5%) general background growth was

utilized. It should be noted, as outlined in the TIS, traffic for 10 "other" proposed developments was included in the Year 2032 traffic projections in developing the Year 2032 No-Build Conditions. The inclusion of these other proposed developments resulted in a total background growth of 18% - 22% at the study area intersections.

C21: Other development projects included:

- 1081 Dolsontown Rd
- RDM CR 56
- Aden – Slate Hill
- Wingate Hotel
- Dunkin Donuts
- Middletown Commons
- Distelburger
- Devitt
- Slatewood Apartments
- Wash Co Phase II

Is the board aware of any other development projects that should be included? The public hearing transcript refers to a new gas station near the roundabout. We aware of a new warehouse project on Dolsontown Road east of McVeigh Road, but don't believe it's progressed far enough to have been submitted.

R21: Although this comment/question is directed to the Board and the fact that the gas station was not part of the scope, we believe the inclusion of a possible gas station in the vicinity of the roundabout would likely not alter the conclusion in the No-Build and Build conditions as a significant portion of trips generated by such a station would likely derive from the existing traffic stream.

C22: The trip generation estimate is based on "Industrial Park" rather than "Warehouse" and the "peak hour of generator" was used over the "peak hour of adjacent street traffic" to provide a conservative analysis. Describe the general difference between using the peak hour of generator over adjacent street traffic. Aside from some minor roundoff differences, we concur with the trip generation estimate. The table below summarizes the expected traffic volumes from each individual project and collectively.

Project	AM Peak Hour			PM Peak Hour		
	Cars	Trucks	Total (Enter/Exit)	Cars	Trucks	Total (Enter & Exit)
Dewpoint South	47	4	51 (45/6)	44	6	50 (10/40)
Dewpoint North	12	1	13 (11/2)	8	5	13 (3/10)
Dolsontown Rd East – Lot 1	153	12	165 (145/20)	141	20	161 (32/129)
Dolsontown Rd East – Lot 2	24	1	25 (22/3)	22	3	25 (5/20)
Simon Business Park	113	9	122 (107/15)	104	15	119 (24/95)
Marangi Facility	24	24	48 (37/11)	28	19	47 (8/39)
DGEIS Project Total	373	51	424 (367/57)	347	68	415 (82/333)

R22: As discussed in the DGEIS Traffic Impact Study and noted above, in order to be conservative "Industrial Park" and "peak hour of generator", trip generation rates were utilized. The "adjacent street traffic" occurs typically during the morning commuter hours (between 7 and 9 am) and afternoon commuter hours (between 4 and 6 pm). The "peak hour of generator" might occur outside those peak hours. As a result the TIS analyzed the "higher" AM and PM Commuter Peak Hours while also using the "higher" Industrial Park trip generation that may not typically occur during the same commuter hours.

C23: The trip distribution appears reasonable, if not slightly conservative, favoring traffic arriving from the Route 17M corridor. The RDM project distribution assumes 85% of passenger cars are arriving from the west, 15% from the east. The Marangi project assumes 70% from the west, 30% from the east. Trucks from both projects is 90% from the west, 10% from the east. We note that the April 2021 Marangi traffic study (prepared by The Chazen Companies) assumed 100% of cars and trucks arrived from the west. In our opinion, the DGEIS distribution appears more reasonable, unless the Marangi owner has additional data to support the 100% west distribution.

R23: Comment noted.

C24: The trip assignment and build traffic volumes are reasonable – subject to any changes or responses from comments above. Outside of some roundoff differences, the volumes add up accurately.

R24: Comment noted.

C25: Dolsontown Road/McVeigh Road was found to operate at LOS F (PM peak hour) as an unsignalized intersection, and LOS A/B when signalized. Does the intersection volumes warrant a traffic signal? Is a westbound left turn lane warranted?

R25: The McVeigh Road approach currently operates at a Level of Service "E" during the Peak PM Hour and is projected to operate at a Level of Service "F" under the 2032 No-Build and Build conditions. The westbound left turn operates at a Level of Service "A" under each of the Existing, No-Build and Build conditions indicating a separate left turn lane would not be required under the unsignalized condition. A review of the 2032 Build Volumes indicates that the volumes meet the PM Peak Hour warrant. In fact, the volume levels are such that it currently meets the PM Peak Hour warrant.

C26: The DGEIS analyzed the project as an "Industrial Park" generating 424 trips in the AM peak hour and 415 trips in the PM peak hour. For the sensitivity analysis, it assumed a 150% increase in traffic volumes – 636 trips and 623 trips in the AM and PM peak hours respectfully. We concur with this estimate.

R26: Comment noted.

C27: The sensitivity levels of service (Table 3) should be expanded to include the movement LOS's and additional columns to compare it to the No-Build and Build (Industrial Park) results.

R27: The sensitivity Level of Service Table has been updated accordingly. See Appendix 1 – Attachment I.

C28: Appendix I of the TIS includes a concept of an improved car wash access point and site circulation. This concept significantly increases the length of on-site/off-street queuing available to the car wash. This concept should be shared with the car wash owner and considered as the car wash project plans progress.

R28: As noted in Section 3 Response 7, the Wash Co. facility is proposing to modify the car wash site plan to eliminate the potential for queues onto Dolsontown Road and Route 17M. A revised site plan is currently under consideration, independent of the GEIS, a copy of which is attached hereto as prepared by Pieterzak & Pfau, dated December 29, 2022. This plan compares somewhat to the sketch plan prepared by Colliers Engineering & Design that was

contained in the Traffic Impact Study. We would suggest that Wash Co. offer for dedication a strip of land along the site frontage to accommodate any future potential roadway widening.

C29: Sight distances vary for each project. Some meet the recommended AASHTO guidelines while others do not. Additional detailed review will be necessary.

R29: All access locations meet the stopping sight distance needs. Certain access locations may not fully achieve the recommended Intersection Sight Distance. However, this in no way implies the access location is “unsafe”.

C30: Additional detailed comments on site plans and road designs will follow as the those items are progressed.

R30: Comment noted.

C31: In subsection "V. Summary and Conclusion" on pdf page 23 of 463, in Appendix F. Just looking at the AM & PM peak hour impacts on the 17M/Dolsontown corridor is a very narrow view of the developments impact. Overall the development is adding approximately 6,600 daily vehicle and 550 truck trips to/from a one mile section of Dolsontown Road. Including Saturday and Sunday, there are approximately 19,000 weekly vehicles and an undetermined number of truck trips (The ITE Trip Generation Handbook did not have truck data for Saturday or Sunday). The study is very vague on what roadway improvements the Development is willing to make. What specific roadway/traffic signal improvements are proposed by the developer to mitigate the added traffic from the development?

R31: Suggested Roadway Improvements were identified on Conceptual Plans in Appendix F of the DGEIS (Traffic Impact Study). A summary of mitigation measures (improvements) is identified in Appendix 1 – Attachment D.

C32: Dolsontown Road currently has a posted speed limit of 45 MPH, In subsection "V. Summary and Conclusion" on pdf page 23 of 463, in Appendix F, states that "an evaluation of the horizontal and vertical alignment suggests a posted speed in the range of 30-35 MPH would be more appropriate once certain changes in roadway superelevation were introduced." Why is the development not making the necessary roadway improvements to keep the existing posted speed limit of 45 MPH?

R32: As discussed in the Traffic Impact Study - Chapter IV Roadway Geometrics, during our sight distance evaluation process, it became apparent that the current geometrics (vertical alignment) of Dolsontown Road do not support the posted speed limit of 45 MPH, as related to Stopping Sight Distance (SSD). The SSDs currently available are consistent with a traveling speed of 30 MPH. This is an existing condition that currently impacts all Dolsontown Road traffic, and we recommend the implementation of such reductions regardless of the advancement of the proposed projects. .

Notwithstanding the foregoing, the driveways and turning lanes for the Warehouse Projects and the Marangi Solid Waste Facility were designed in accordance with the posted speed limit of 45 MPH. Each driveway intersection with Dolsontown Road was re-analyzed for the posted speed of 45 MPH. This analysis resulted in no change to Levels of Service or delays. The updated analysis is included in Attachment “A”. It should be noted that the roadway intersection functionality by speed differential (driveway maneuvers) were based on the higher speed and associated sight distances.

C33: Based upon review of Appendix F, there does not appear to be mention of whether the three signalized intersections along 17M are coordinated, either closed loop system or TOD plans. Was there any consideration given to evaluating whether this corridor would operate better as a coordinated system?

R33: The signal located at Abe Isseks Drive is in the City of Middletown and the signal at Dolsontown Road and U.S. Route 6 are in the Town of Wawayanda, the NYSDOT only controls the signals on the State Highway within the Town. To coordinate these signals would require an agreement between the City and State to implement. Such is not precluded by the mitigation measures proposed.

C34: In Appendix F, pdf pages 4 thru 23 of 463, the term "development" is used interchangeably between the DGEIS properties and "several proposed developments in the area". It is not always clear what development the study is referencing? This also relates to understanding which development(s) are responsible for roadway improvements? Clarification should be provided.

R34: Shown on Page 1 (Project Description and Location) of the Traffic Impact Study in the DGEIS are referenced developments that are subject to the DGEIS review and analyzed under the 2032 Build Condition only. The “other” developments located on Page 2 (under Scope of Study) are those considered as part of the 2032 No-Build condition. Relative to improvements responsibility, certain improvements are considered as being “in place” under the No-Build Condition that are attributed to traffic generated by the above referenced other developments. The improvements listed on Attachment D in Appendix 1 are assignable to the project examined under the DGEIS.

C35: Will the imposed roadway of Dolsontown Road Right of Way widening include improvements to increase the weight bearing capacity of the existing lanes, between 17M and McVeigh Road? Dolsontown Road is posted for 6-ton vehicles while transfer vehicles are typically filled to 20-tons.

R35: We believe that, provided Dolsontown road was built to the Wawayanda Street Specification for commercial or collector streets with a 6” pavement section over a 12” subbase, it can support a substantially greater load than the referenced 6-ton weight limit. Moreover, the proposed improvements to Dolsontown Road will support higher weight limits (e.g., 18,000-pound equivalent single axle loads (ESAL).

The Applicants will cooperate with the Town Board and Highway Superintendent as appropriate to take the necessary steps to modify the weight limit to reflect both the existing and proposed condition of Dolsontown Road. C36: We appreciate that the applicants have provided a traffic study for the Dolsontown Road Corridor and multiple nearby intersections and have proposed several mitigation measures for the anticipated traffic impacts, such as including additional turning lanes on Dolsontown Road, Route 17M, and US Route 6, adding a traffic signal at the intersection of Dolsontown Road and McVeigh Road, and reducing the speed limit on Dolsontown Road to 30 to 35 MPH. However, it appears that the growth rate of 0.5% is applied, which may not accurately reflect the growth rate of this area and the growth rate may need to be adjusted accordingly. Also, it appears that additional mitigation measures will be needed for the left turn, westbound approach from Dolsontown Road onto Route 17M. The applicant should coordinate with the New York State Department of Transportation (NYSDOT) about the anticipated impacts on this intersection. Based on the information supplied, the 2032 weekday PM peak hour build condition will have an LOS of F with an increase of 106.6 seconds over the 2032 no-build condition. Furthermore, the applicants

should also expand the traffic study to include the intersections of Route 17M and the 1-84 ramps.

R36: Please see response to Comments 10 and 11 as provided in the NYSDOT Comment Response Form (Appendix N to the FGEIS) relative to I-84 ramp inclusion and the westbound Dolsontown Road approach, respectively.

C37: The Town should be aware that the segment of Dolsontown Road and James P. Kelley Way between County Route 78 and Genung Street is NOT federal-aid eligible, meaning any pavement or construction is the responsibility of the municipality. Therefore, a Transportation Improvement District (DGEIS Appendix F, page 14) should be established to help with the roadway improvements. This district should be considered for long-term use to offset the deterioration of pavement from heavy truck usage over time.

R37: Upon further review, we believe that establishing an improvement district for transportation purposes may not be an available mechanism. The Applicants will provide the required bonding or letter of credit to secure completion of the required improvements. RDM is willing to implement all mitigation required. A Transportation Improvement District is not required, nor are we proposing one.

C38: The Town should ensure that the proposed driveways for the proposed projects and any active existing driveways are aligned to minimize the potential for traffic conflicts and/or potential vehicular and truck accidents. In some instances, it is not clear where the driveways are located in relation to each other. For instance, the submitted site plans for Dewpoint South and Dewpoint North do not indicate where the driveways are located or proposed on the opposite side of the road. Also, the site plans for the Simon Business Park and Lot 1 of Dolsontown East do not show where the proposed driveways are located on the opposite side of the road. As a result, it is difficult to determine how vehicles and trucks entering or exiting these driveways would interact. In other instances, the proposed driveways may be located too close to one another and may result in traffic conflicts. For example, the proposed eastern driveway for Lot 1 of the Doslontown East site and the proposed eastern driveway for the Marangi site are opposite each other, but are staggered by less than 100 feet. Thus, this layout may lead to traffic conflicts and/or accidents.

R38: The proposal is to develop a two-way left turn lane on Dolsontown Road from a point 400 feet east of NYS Route 17M to McVeigh Road. Such a lane will support turning movements into and out of all the existing and proposed site driveways along Dolsontown Road. Dedicated left turn lanes will be provided at certain locations as will separate right turn lanes. The various site points of access were situated to maximize sight distance for entering/exiting traffic. See Sheets 1 to 5 in the DGEIS that identify the proposed Dolsontown Road Two-Way Left Turn Lane Design.

C39: Furthermore, the traffic study concludes little to no impact whilst stating that improvements will be needed. In addition to the obvious widening of Dolsontown Road, additional roadway and signal improvements should be made by the developer in an effort to mitigate the obviously consequential added traffic. Maintenance of existing speed limits, coordinated operation of intersection signals, designation of queuing lanes, and weight bearing capacity improvements must also be considered.

R39: The results of analysis under the Build condition indicates mitigation measures would be required. Such measures were outlined in the DGEIS and are also provided in Appendix 1-

Attachment D. Each of the above issues are addressed in the above responses and are included in Appendix 1 – NYSDOT Comment/Response Form (CRF).

C40: I also do not see adequate plans for Dolsontown Road, for traffic flow projections. What happens when any improvements end at McVeigh Rd? What happens at the traffic circle at Genung and Schutt Rd and Airport Rd? How, as CDM has asked, will these roads support 20+ ton garbage trucks? Will all truck traffic have to use only Rt 84 to 17M to Dolsontown as the traffic study assumes? Will there be a developers' agreement with someone to regulate and oversee the schedules,

R40: Dolsontown Road will be furnished with a two-way left turn lane between Route 17M and McVeigh Road. Analysis contained in the Traffic Impact Study has indicated that the roundabout can support the 2032 Build Traffic Volumes. See Table No. 2 in the DGEIS (TIS), Intersection No. 5 for the AM and PM Peak Hours where a Level of Service "A" is identified under the 2032 Build conditions. Relative to roadway loading, see Comment 23. It is anticipated that 90% of the trucks will use the Route 17M corridor.

C41: The traffic study submitted by Marangi is flawed. By there own admission, it was completed when traffic flows were reduced due to COVID-19. It is an approximation at best and doesn't take into account the additional truck and car traffic that will be generated by 6 additional warehouses using Dolsontown road for their main thoroughfare.

Their study stated that a right hand turn lane into their facility was not needed. I disagree. If Medline required a right hand turn lane into their facility on route 6 to maintain traffic flow; then, Dolsontown road traffic flow would benefit from right hand turn lanes into all of the facilities as well.

Trucks exiting the larger warehouse of the Downtown East project and exiting the Marangi facility to the left, enter Downtown road on an uphill grade. It will take them a while to get up to speed as cars going 45+ miles per hour zip up on them. Traffic flow may benefit from a "slow lane" from the exit of the larger warehouse to the intersection of Downtown & 17M. At the intersection it could become a dedicated right turn lane, which would alleviate a lot of traffic that builds up at that intersection.

R41: Traffic volumes were adjusted to account for the impacts associated with Covid-19 and seasonal variation. See response to Comment 3 contained on the NYSDOT Comment Response Form (Appendix N to the FGEIS).

The anticipated truck and car generated traffic is identified on Table No. 1 of the DGEIS.

Identified on Table No. 2 of the DGEIS for Intersection 13, the Marangi site access, the eastbound through/right turn lane is anticipated to operate at a Level of Service "A" during each of the AM and PM Peak Hours. The traffic turning left out of the Marangi property will have the ability to turn left into a two-lane left turn lane to accelerate heading westbound before entering the through westbound travel lane.

C42: Road maintenance. If you're going to have 500 trucks a day on that road, who takes care of the paving and the crumbling of the street?

R42: The applicants are willing to address a proportionate allocation of responsibility for maintenance necessitated by the projects in the same proportionate manner in which road improvements are addressed.

C43: Jake Brake Usage / Restriction on Dolsontown Road: There must be a Jake Brake Use Restriction places on Downtown road. Fully loaded trucks driving down the hill on Downtown road using their Jake Brake to slow down to turn into either the Marangi Solid Waste Facility or the Dolsontown East Facility would be way too intrusive during the day and incomparable with normal life and sleep at night.

R43: Comment noted.

C44: Some commenters expressed concerns about traffic safety generally and the potential for an increased number of accidents in the area due to increased traffic associated with the projects.

R44: In order to ensure that the proposed driveways for the projects align with any active existing driveways for purposes of minimizing the potential for traffic conflicts and/or potential vehicular and truck accidents, a two-way left turn lane is proposed on Dolsontown Road from a point 400 feet east of NYS Route 17M to McVeigh Road. Such a lane will support turning movements into and out of all the existing and proposed site driveways along Dolsontown Road. Dedicated left turn lanes will be provided at certain locations as will separate right turn lanes. The various site points of access were situated to maximize sight distance for entering/exiting traffic. See Sheets 1 to 5 in the DGEIS that identify the proposed Dolsontown Road Two-Way Left Turn Lane Design.

Based on the calculated accident rates along Route 17M, the potential increase in accidents resulting from traffic generated by the Dolsontown Corridor projects on a daily basis on Route 17M and Dolsontown Road would result in an additional increase of 3.9 and 5.3 accidents per year, respectively. However, this does not consider the application of reduction factors associated with the proposed mitigation including additional turn lanes, upgraded traffic signals, timing/phasing modifications, etc. According to NYSDOT, accident reduction factors could reduce accidents by 28%.

C45: Some of your proposals were I believe, what, the traffic study guide, change the light by three seconds, extend 17M, make it seven lanes, make an extreme right lane so trucks can make the right. I run a trucking company. I will volunteer one of my trucks. I want to see them make a right turn where the car wash is when you have an extra lane. I will volunteer. It's impossible. And then you have the car wash. Again, one of the fixes for the car wash was we'll put up jersey barriers. A jersey barrier -- I'm from Brooklyn -- it's a cement barrier that keeps them off of Dolsontown Road but puts them on 17M. You're going to back up 17M all the way back to exit 3.

R45: As part of the proposed mitigation, a separate right turn lane with an increased radius is proposed for the Route 17M northbound approach to Dolsontown Road eastbound movement. This improved geometry is identified on the turning tracks plan sheet contained in Appendix 1, Attachment H of the Traffic Impact Study. Notwithstanding the above, as mentioned in Response 7 and Response 28, Wash Co. is proposing relocation of the access to the car was to its eastern property line some 515 feet east of Route 17M.

C46: Lastly, exit 3, the 84 exit which is backed up now... it's not even being considered in this project. It's a nonissue. It's going to be done during another project. I don't know where you're going to put 400 trucks, 526 cars on Dolsontown Road. They talk about a bunch of left turns. At the completion meeting the gentleman showed the little movement with little cars driving around. He didn't even show the car wash. He showed how everything was going, the traffic

data. If the engineer who did the traffic study is the same guy who did the car wash study, you might want to get another guy.

R46: Comment noted.

C47: they mention that residents from all Orange County can bring garbage there. That's going to have an affect on the traffic and everything else. How do you determine how many private citizens are going to be there? How do you project the traffic that you're going to get from that?

R47: The estimated maximum daily traffic flow to and from the Marangi Solid Waste Facility includes 248 truck trips per day. The truck trips consist of 80 light trucks (roll-off container transfer trucks, front and rear packers, pickup trucks and trailers) with an average capacity of 12 tons per load, and 44 heavy trucks (tractor trailers) with an average capacity of 22 tons per load. In addition, 80 employee and visitor trips per day using personal vehicles is estimated for the Transfer and Recycling Facility.

C48: There's already going to be the new gas station and the strip malls down there by the turnabout thing. There already should be like four lanes now, unfortunately. I don't think that they did their due diligence on the traffic study because I didn't see four lanes in any of their plans when I looked online.

R48: We believe the inclusion of a possible gas station in the vicinity of the roundabout would likely not alter the conclusion in the No-Build and Build conditions as a significant portion of trips generated by such a station would likely derive from the existing traffic stream.

C49: Furthermore, protecting our school busses by not making them share the roads with these trucks is imperative.

R49: Comment noted.

C50: Has the town addressed the site problem of stopping and seeing other motor vehicles from the crest of both hills.

R50: The various site points of access were situated to maximize sight distance for entering/exiting traffic.

C51: If it's going to be widened, then it sounds like it's going to force more traffic down towards McVeigh and the other side of Dolsontown. I was just curious about that, if that was taken into account as well. That is more residential.

R51: See Comment 40. It is anticipated that 90% of the trucks will use the Route 17M corridor.

C52: The applicants should investigate the feasibility of providing a jitney service to the proposed warehouses to reduce the amount of car trips that are needed to access the warehouses for employees who live in Middletown or Wallkill. An alternative to utilizing a jitney service is to work with the Transit Orange to alter its Middletown Fixed Transit Route to include stops along Dolsontown Road.

R52: Comment noted.

Section 4. Dolsontown Road Widening

C1: Several comments asked whether the applicant for Marangi Solid Waste Facility project planned to dedicate any land to the Town for the Dolsontown Road right-of-way.

R1: The property owners DOM KAM LLC, and 366 Highland Ave Ext. will dedicate land to the Town for the Dolsontown Road right-of-way as determined necessary by the traffic mitigation recommendations.

C2: One comment asked how much property would be taken from her in order to widen Dolsontown Road.

R2: The proposed roadway widening for Dolsontown Road will be constructed within the right-of-way (ROW) and the need for additional ROW from private parcels not associated with the GEIS projects is not required based on the current design. However, it should be noted that the Planning Board has requested, and the applicants have obliged to provide additional ROW along the corresponding frontages for each project in the GEIS. A minimum of 33 feet from the centerline of Dolsontown Road (north or south sides) has been provided.

Section 5. Odor, Noise, and Light Impacts (Generally and to Heritage Trail)

C1: Several comments expressed concerns over potential odors associated with solid waste operations at the Marangi site.

R1: Odor questions have been addressed by the board as part of the Site Plan and Special Use Permit Application. Odor shall be monitored during daily Facility Inspections. Control of odors and dust will primarily take place inside the Facility building and includes cleaning indoor material handling areas on a regular basis. Odor neutralizers and deodorizers, including barrel misters, will be used if needed to control any short-term problems. Facility doors shall be kept closed except when vehicles are entering or exiting buildings. If odor issues continue to persist an air purification system shall be installed.

C2: Several comments expressed concern over noise pollution associated with operations at the warehouse sites and the Marangi site.

R2: The warehouse projects will generate noise during their construction phase. Once constructed, the facilities will produce small to moderate amounts of noise, mostly due to site generated traffic and building HVAC mechanical units.

Noise evaluations were conducted for Dewpoint South and Simon Business Park and were provided to the Planning Board as part of the DGEIS. Evaluations for those two sites were requested by the Planning Board and driven by their proximity to potential receptors on Caskey Lane. The noise evaluations studied existing and projected noise levels associated with each project at certain receptors, and found that in all instances, noise increases associated with the projects are anticipated to be less than 5dbA at all receptors. Increases of sound pressure of less than 5dB are anticipated to result in unnoticed to tolerable human reactions, pursuant to NYSDEC's Assessing and Mitigating Noise Impacts, revised as of February 2, 2001. To reduce future noise levels to the greatest extent reasonably possible, the noise evaluations recommended the following mitigation measures, which have been incorporated into project plans: (1) the construction equipment used on-site will have to be inspected periodically to ensure that properly functioning muffler systems are used on all equipment; (2) all equipment should not idle unnecessarily while one site; (3) the HVAC equipment should also be

positioned to face away from the adjacent residence as part of the final building design/HVAC equipment layout; (4) installation of a solid fence along the southeastern portion of the site on top of the retaining wall; and (5) any onsite equipment should be equipped with alternate backup safety alarms such as "white noise" alarms, alternate radar, or infrared alarm systems. With implementation of these mitigation measures, no significant adverse impacts with respect to noise are expected to result from the warehouse projects.

For the Marangi Solid Waste Facility, noise shall be mitigated through tipping, and processing activities taking place within an enclosed building. The Transfer and Recycling building is also orientated so that the tipping doors face away from receptors along Dolosontown Road. The Transfer and Recycling Building doors shall be closed when not being accessed. A Noise Analysis which showed the proposed Facility met the Town, and NYSDEC noise standards was submitted as part of the Site Plan and Special Use Permit Application.

For purposes of conducting a cumulative noise evaluation, Noise Receptor 2 (R2), located on the north side of Dolsontown Road near 1081 Dolsontown Road was evaluated to determine any potential noise impacts to the existing residences at 1073, 1069, and 1065 Dolsontown Road (See FGEIS Appendix A, Section 5). Noise along this corridor is primarily influenced by vehicular traffic along Dolsontown Road as well as highway noise on I-84. R2 has been identified as the representative receptor for critical Dolsontown Road noise levels due to the anticipated arrival and departure distributions and its location in relationship to the multiple proposed projects. Based on this and the fact that the majority of truck trips generated by the various projects will be destined toward Route 17M and the I-84 corridor, we anticipate the noise impact on the Dolsontown Road and McVeigh Road intersection to be less than those identified at R2, which was found to be at acceptable levels.

C3: Several comments expressed concerns over potential visual impacts and light pollution associated with operations at the warehouse sites and the Marangi site.

R3: The projects have been analyzed for potential visual impacts by using computer-rendered three-dimensional models of both the project sites and the buildings. Potential views of the proposed projects were simulated for key vantage points where the potential for visual impacts have been identified. The results of this analysis are set forth in the Dolsontown Road Viewshed Study, Appendix O to the FGEIS.

Where the project cannot be completely obscured from pedestrian view, the design has been developed to minimize visual effects as much as possible and at the same time consider other site constraints. Building Elevations of the proposed Project include strategic placement of the warehouse operations as far away as practicable from potential visual receptors. The materials and colors used are intended to reduce the building's visual presence within its surroundings. For example, the structures will utilize a variety of facades, including two story glass curtain walls, projecting walls of a different height and color, and a horizontal brise soleil system. In addition, the longer expanses of walls are punctuated by square windows running around the perimeter. Earth tone colors are proposed for the structure, including dark and light slate grays, consistent with rock outcroppings found in the general area.

Visual impacts of the warehouse buildings have been mitigated by building setbacks from public roads, retaining existing vegetation and grading around the perimeter of the site, whenever possible, and planting evergreen screening at certain locations to screen views of the proposed projects. In addition, the proposed fixtures for the warehouse projects have

the following lighting components which comply with Nighttime Friendly or International Dark-Sky Association (IDA) objectives: (1) Correlated Color Temperature (CCT) of 3,000; (2) All fixtures are LED's which provide for controlled downward distribution of light; (3) In instances where lighting is in close proximity to property lines, the fixture is fitted with a house side shield to restrict unnecessary back lighting & glare; and (4) The fixture housings provide for zero uplight above 90°.

C4: Even though the Marangi Solid Waste Facility will not be operating late into the evening, they will most likely keep their facility illuminated throughout the night. Because of this, they should be required to use similar fully shielded, downward aiming lighting to minimize the light trespass, glare & light pollution.

R4: Lighting for the Transfer and Recycling Facility shall be fully shielded and aimed downward (night sky compliant) to minimize light pollution. A Lighting Plan was included in the Site Plan and Special Use Permit Application submitted to the Town of Wawayanda. The Lighting Plan shows that the Facility meets the Town standards for illumination at the site property line boundaries.

C5: Some comments expressed general concerns about impacts to the Heritage Trail, and specifically impacts from odor, noise, and light associated with operations at the project sites. These include:

- The Heritage Trail is a county wide public resource enjoyed by residents throughout Orange County. The visual changes along the Heritage Trail must be widely disseminated county wide to the public. The visual analysis should include pre and post construction visuals along with all proposed mitigation plans. These visuals should be released to all media with reach in Orange County, including digital media.

- Dolsontown East should provide 2 or more staggered rows of coniferous trees and shrubs along the northeastern lot line for visual buffer from Heritage Trail.

- In the vicinity of Dolsontown and McVeigh roads, impacts regarding noise, visual and access to the trail should be evaluated. Several Planning Board Members commented regarding a potential interconnect between the project corridor (possibly along the Mohegan Brook) to the Rail Trail/Heritage Trail should be evaluated. Pedestrian/bicycle access to the trail extending from the Dolsontown Road 17M corridor to the newly created trail system should be analyzed to allow a pedestrian friendly interconnect between the projects and the Rail Trail. In addition project sponsor should conduct an analysis of noise, odor, and pollution along the Heritage Trail.

- The project sponsor should conduct an analysis of noise, odor, and pollution along the Heritage Trail.

- The brand new and unfinished addition to the Heritage Trail runs directly along side this land. Upon completion, the total cost for this extension will amount to approximately 8.4 million dollars. This facility would create air, noise, and odor pollution and deter people from utilizing this wonderful and costly asset. ***THIS PROJECT WILL RUN FLUSH AGAINST THE TRAIL***

R5: The projects were analyzed for potential visual impacts to the Heritage Trail by using computer-rendered three-dimensional models of both the Project Site and the buildings. Potential views of the proposed projects were simulated from the Heritage Trail. The results of this analysis are set forth in the Dolsontown Road Viewshed Study, Appendix O to the FGEIS.. To minimize potential visual impacts: (1) warehouse operations will be placed as far away as practicable from potential visual receptors; (2) the materials and colors proposed are intended to reduce each building's visual presence within its surroundings; (3) windows and other reflective materials will be minimized; (4) buildings will be setback from public roads; (5) existing vegetation will be retained; (6) grading will occur around the perimeter of the project sites whenever possible; and (7) evergreen trees will be planted at certain locations to screen views of the facilities. Site Plan review for each project will include a review of its respective landscaping and lighting plans, as well as potential visual impacts to users of the Heritage Trail.

As for noise mitigation measures relative to the nearby Heritage Trail, it should be noted that the proposed truck loading area for the Dolsontown East site is located approximately 400 feet away from the Heritage Trail. Furthermore, there is an existing vegetative buffer along the Heritage Trail of 45 to 90 feet and additional tree plantings are proposed on site. For these reasons we anticipate the noise impact to the Heritage Trail to be minimal. As part of the final site plan review, additional measures including the potential installation of a sound wall in proximity of the truck loading area could be included. Finally, concerns about noise impacts to users of the Heritage Trail should be measured against the fact that the trail passes beneath I-84 just .5 miles east of the project sites. Thus, the ambient noise levels on the sections of the Heritage Trail adjacent to the project sites are expected to remain significantly lower than the ambient noise levels at certain other nearby sections of the trail.

C6: The Town should require the applicants to evaluate any potential visual impacts of the proposed projects on 1-84. If any visual impacts are identified, the applicants should address these impacts to minimize the visual impacts for travelers on I-84. This may require a visual EAF and/or a visual analysis.

R6: The projects were analyzed for potential visual impacts to travelers on I-84and the result of this analysis are set forth in the Dolsontown Road Viewshed Study, Appendix O to the FGEIS. We note, however, that impacts are expected to be minimal based on the high traffic speeds used on the interstate.

C7: Orange County Dep't of Planning: The applicant should clarify why the noise evaluation for Dewpoint South identifies the parcel numbers (SBLs) associated with the Dolsontown East project, rather than the parcel numbers (SBLs) for Dewpoint South (Appendix A.5). The Town should ensure that the noise evaluation for each site addresses the impacts from the correct site.

R7: The noise evaluation for the Dewpoint South project has been revised to reflect the correct parcel numbers (see FGEIS Appendix A Section 5). The other studies are not affected by this.

Section 6. Air Pollution

C1: Several comments expressed concerns over potential health impacts associated with an increase in air pollution from trucking operations at the warehouse sites and the Marangi Solid Waste Facility including, in particular, increases in Particulate Matter (PM) 2.5 and diesel exhaust.

R1: Exhaust odors from heavy equipment and trucks will be minimized by limiting idling engines in accordance with current regulatory idling restrictions, including 6 NYCRR 217-3, which prohibits heavy-duty vehicles, including non-diesel and diesel trucks and buses with a gross vehicle weight rating (GVWR) of more than 8,500 pounds, from idling for more than five minutes at a time. In addition, upon implementation of appropriate Site Generated Traffic Mitigation Measures contained in the Traffic Study, idling caused by slow-moving traffic will have been mitigated to the maximum extent practicable.

Upon commencement of construction and during site operations, it is anticipated that the proposed warehouse facilities will have a minimal impact on surrounding air quality based on applicable regulations which are currently in-place. The warehouse facilities do not involve any manufacturing and do not contain any major air emission sources nor the need for associated permitting.

Each warehouse would be heated/cooled using individual HVAC units which are anticipated to be mounted on the rooftops. The primary energy source for these units is anticipated to be natural gas. Back-up generators would only be used during emergencies and during routine engine exercising. Any emissions from generators would be minimal and short-term in nature. Generators are subject to NYSDEC regulations and HVAC is regulated by the NYS Building & Energy Codes. There are no anticipated regulated air emissions from the proposed warehouse building operations and there are no air permits required from the NYSDEC.

Regarding other potential sources of air pollution at the Marangi Solid Waste facility: (1) dusty conditions in traffic areas are not anticipated due to all traffic areas being paved and limited onsite travel and low speeds; (2) burning of materials is not permitted at the facility; and (3) mechanical street sweeping equipment or misting equipment shall be used as a contingency if dusty conditions persist.

C2: One commenter suggested the applicants consult with the NY State Department of Health to conduct a Health Impact Analysis.

R2: Provided that all potential health impacts associated with trucking operations are going to mitigated to the maximum extent practicable (see Section 6 Response 1) and that the Marangi Solid Waste Facility will take appropriate measures to develop a Spill Prevention Control and Countermeasure (SPCC) Plan which describes the measures to be taken to prevent the discharge of oil to natural waters, the response and notification procedure for spills, and the inspection and monitoring procedures for the tanks and secondary containment (which shall be drafted and certified by a licensed Professional Engineer before the Facility begins operation (see Section 15 Response 4), no potential significant impacts to human health are expected to occur. Furthermore, practices for spill prevention and cleanup are outlined in the Spill Control Practices section of each of the warehouse project's respective SWPPP.

C3: One commenter proposed that diesel trucks driving too and from the project sites be prohibited from travelling through the City of Middletown or be subject to fines.

R3: Comment noted.

C4: A few commenters expressed concerns about how the proposed projects will impact climate change and, in particular, how they will impact the greenhouse gas emissions

reduction goals set forth in New York State's Climate Leadership and Community Protection Act.

R4: According to NYSDEC guidance policy CP-49 on implementing the Climate Leadership and Community Protection Act of 2019 ("CLCPA"), "to perform its core mission, the Department must incorporate climate change considerations into activities the Department undertakes." Specifically, CP-49 states that "CLCPA Section 7(2) requires the Department to consider whether agency administrative decisions, including but not limited to, issuing permits, licenses and the execution of grants, loans, and contracts, are inconsistent with or will interfere with the attainment of the Emission Limits." Thus, to the extent any aspects of the Dolsontown Corridor projects are subject to the issuance of an administrative decision by NYSDEC, consistency with CLCPA may be a necessary condition to approval.

C5: You will absolutely have to do an assessment of the carbon footprint of this project, and that analysis also needs to be cumulative.

R5: Greenhouse gas emissions associated with truck idling, construction, and operations will be mitigated for all of the projects. Please refer to Section 6 Response 1 for a list of measures the projects propose to undertake to in order to reduce overall impacts on air quality in the area.

C6: Wetlands and wild land are vital to the sequestering of CO2 and one of our strongest natural fighters of climate change. We cannot afford this project as a city or a county, but we also cannot afford this project as a planet. Destroying this vital ecosystem would be irresponsible and unethical on a large scale.

R6: Please refer to Section 8 Responses 1-13 for discussion of proposed wetland disturbance.

C7: The applicants should provide an evaluation of the current status for air pollution and how the proposed projects will impact the air quality in this area. Particular attention should be paid to the PM2.5 levels in this area, as this has a history of being an issue within Orange County. High levels of PM2.5 pollution can have an impact on human health, particularly by increasing incidence of asthma.

R7: Please refer to Section 6 Comment 1 for discussion of how the proposed projects will impact air quality and PM2.5.

Section 7. Monhagen Brook

C1: Several commenters expressed concerns about potential impacts to the Monhagen Brook and specifically the fact that it is listed on the NYS Section 303(d) List of Impaired/TMDL Waters.

R1: The proposed design and operation of the Marangi Solid Waste Facility, in accordance with the Town of Wawayanda Solid Waste and the New York State Department of Environmental Conservation Part 360 requirements, shall minimize the potential for pollution to Monhagen Brook. All waste and recyclable material tipping and sorting activities will take place within the enclosed building on a reinforced concrete slab floor. The floor drain system shall discharge to an oil-water separator, and then a sanitary grinder pump station to be pumped to the existing sewer line on Dolsontown Road. Recovered hard fill consisting of

uncontaminated concrete, asphalt, rock, and brick is proposed to be stored outside of the building. All other waste and recyclable materials shall be stored within the enclosed building. Wastes shall be handled in a manner that will reduce the attraction of pests to the Facility. The tipping floor shall be swept daily, and storage areas shall be swept weekly. Any rodenticide if needed will be applied by a New York certified commercial pesticide applicator. With respect to the Warehouse Projects, practices for spill prevention and cleanup are outlined in the Spill Control Practices section of each project's SWPPP.

C2: One comment asked whether there is a way to monitor the water quality of Monhagen Brook beforehand the Marangi facility is constructed and after.

R2: NYSDEC programs collect monitoring data on rivers, streams, lakes, estuaries, and coastal waters, evaluate these results, and report the water quality information to the public. This includes water bodies on the CWA Section 303(d) List of Impaired/TMDL Waters. In addition, the Marangi Solid Waste Facility will operate under a Multisector General Permit (GP) for Industrial Activities (SPDES GP 0-20-001) and will monitor stormwater discharges in accordance with such permit.

Section 8. Wetlands

C1: Regarding the Marangi Solid Waste Facility Project, it appears there could be disturbance planned within 100 feet of the wetland on the south and east side of the project site, and specifically near Wet Ponds 1 & 2 and outlets" and recommended that the project sponsor evaluate alternatives for site plan design elements in locations where features are in close proximity to wetlands.

Please be aware that the US Army Corps of Engineers is responsible for determining federally regulated wetlands and may perform a site visit as part of that determination. It is our understanding from the information provided that the US Army Corps of Engineers has provided a Jurisdictional Determination outlining which wetlands are federally regulated.

R1: Phase 1 of the proposed Project which includes the Transfer and Recycling Facility is expected to be constructed prior to 2025 The provisions of the recent state wetlands legislation, more specifically, Section 2 of Senate Bill S8008C Part QQ, will not apply to any land use, improvement, or development that receives final approval from the local governmental authority with jurisdiction over the land prior to January 1, 2025. Therefore, existing legal uses within the regulated buffer or adjacent area can continue after a wetland becomes a State regulated wetland.The Conceptual Full Build Plan was prepared for the Site to assess the potential full development environmental impacts as requested by the Town Planning Board. A Site Plan and Special Use Permit has been requested only for the Phase 1 Site Plan. The full development of the site may occur at least five years after Phase 1 is completed. If full development of the site occurs, alternative site plans will be evaluated for the Truck Maintenance Facility where features are in close proximity to the wetlands.

The area of impact within 100 feet of the wetland for Wet Ponds 1 & 2 is approximately 0.49 and 0.48 acres respectively for Phase 1. For the Conceptual Full Build Out Plan the area of impact within 100 feet of the wetland is an additional 0.81 acres.

C2: Regarding Marangi Solid Waste Facility, on pdf page 14 of 65 of the DGEIS, under the subheading "Irreversible and Irretrievable Commitment of Resources" states that: "the project has been designed to avoid impacting jurisdictional federal wetland ". However, review of the SWPPP contained in Appendix E reveals direct discharges from the two wet ponds into these

wetlands, as well as earth disturbance within 100 ft of wetlands. Item #14 of the completed NOI included in Appendix E does not state that these impacts will occur and should be corrected.

R2: The construction of the proposed project shall not physically disturb soils within the Federally regulated wetlands. The Wet Pond discharge structures shall include a stone rip rap apron for outlet protection designed to reduce the depth, velocity, and energy of water such that the flow will not erode the downstream receiving water. Item 14 of the NOI states: "Will the project disturb soils within a State regulated wetland or the protected 100-foot adjacent area?" The subject wetlands are not State regulated wetlands and are therefore not applicable to Item #14 of the NOI, no correction is needed.

C3: There are wetlands in the vicinity of the Dolsontown Corridor, and specifically south and east of the Marangi Solid Waste Facility; south and southwest of Simon Business Park; and southwest of the Dew Point South site that are not currently regulated by New York State DEC, but may be regulated when recently adopted changes to Article 24 become effective in 2025. Since the precise regulatory requirements for implementing these statutory changes are only in the initial stages of development, it is impossible to provide specific details regarding how these regulatory changes could potentially impact this project. If the onsite wetlands become jurisdictional under Article 24 in 2025, please know that NYSDEC regulations generally require avoidance and minimization of impacts to regulated wetlands and their 100-foot adjacent areas. In situations where impacts are unavoidable and have been minimized, mitigation may be required to compensate for remaining losses of wetland benefits.

R3: Comment noted.

C4: The NYSDEC had identified that numerous wetlands in the vicinity of the project sites will fall under DEC jurisdiction upon implementation of new wetland mapping for Orange County. The Applicant's representative are requested to evaluate potential impacts to the projects proposed based on DEC's exercising jurisdiction over the areas currently identified as federal wetlands.

R4: The wetlands are not currently regulated by NYSDEC and may not be until 2025. If the onsite wetlands become jurisdictional under Article 24 in 2025, and the project is not yet constructed, the Applicant will pursue appropriate avoidance and minimization of impacts to the newly mapped wetlands and their 100-foot adjacent areas. Any impacts to formally designated NYSDEC wetlands and their 100 foot Adjacent Area will require an Article 24 permit from the NYSDEC.

C5: Regarding Dewpoint South and Simon Business Park, it appears there could be disturbance planned within 100 feet of the wetland on the southwest side of the project site, and specifically near the stormwater areas, access road and retaining wall, and associated grading. The Department recommends that the project sponsor evaluate alternatives for site plan design elements in locations where features are in close proximity to wetlands. Please be aware that the US Army Corps of Engineers is responsible for determining federally regulated wetlands and may perform a site visit as part of that determination. It is our understanding from the information provided that the US Army Corps of Engineers has provided a Jurisdictional Determination outlining which wetlands are federally regulated.

R5: Currently there are no mapped NYSDEC wetlands on the Dewpoint South or Simon sites.

C6: Regarding Dolsontown East: This project site is near NYS regulated Freshwater Wetlands MD-19, (Class II). The plans submitted with the DGEIS show wetland boundaries. If the project sponsor hasn't already done so, please contact Michael Fraatz, NYSDEC Bureau of Ecosystem Health, in order to have the boundary validated, to ensure your project does not encroach within the 100-foot adjacent area. The Department has not received application materials related to this project.

R6: Michael Fraatz from NYSDEC visited MD-19 at the Dolsontown East site in July 2022 with Ecological Solutions, LLC to confirm the extents of the wetlands shown on the plans. Adjustments are required to flags B13 to P/L B19, which have been relocated by NYSDEC. The applicant has surveyed the relocated flags shown on the current site plan. No disturbance to MD-19 is anticipated. To the extent there is any disturbance planned to the newly defined MD-19 wetland, application for a permit to DEC will be made. Please also see Section 8 Comment 13.

C7: The NYSDEC has requested that freshwater wetland MD-19 be flagged by NYSDEC personnel with the appropriate jurisdictional boundary map provided with signatures by the NYSDEC personnel.

R7: Please refer to Section 8 Response 6.

C8: Evaluation of whether the project sites support vernal pool habitat should be addressed.

R8: No vernal pool habitat was observed.

C9: The applicant should provide wetland replication at a minimum ratio of 2:1 for the loss of 4,000 sf of federal jurisdictional wetland. There are no wetland replication design plans included in the DGEIS package.

R9: The US Army Corps of Engineers does not require mitigation for impacts that are less than 0.1 acres.

C10: An overall map should be provided in the wetland section identifying existing NYSDEC Regulated Wetlands, potential NYSDEC Regulated Wetlands and Federal Jurisdictional Wetlands. The map should contain a chart identifying the date of each agency's approval for the wetland delineations.

R10: The Warehouse Projects did not seek optional Jurisdictional Determinations by USACE for planning purposes. Currently, the collective disturbance to federal wetlands planned for the Warehouse Projects AND the Marangi Project is less than 1/10-acre. Any disturbance to federal wetlands will be pursuant to USACE Nationwide Permit ("NWP") 39 for Commercial and Institutional Developments.

C11: The status of all federal wetland delineations for each of the projects should be addressed. Federal Jurisdiction Wetland Approvals must be received in order to confirm the extent of wetlands on each project. Wetland impacts should be evaluated cumulatively in the document.

R11: For Dewpoint North, approximately 2,650 sq. ft. of federally regulated wetlands will be disturbed (<0.1 acres). For Dewpoint South, approximately 1,350 sq. ft. of federally regulated wetlands will be disturbed (<0.1 acres). No disturbance to federal wetlands is planned for Dolsontown East, Simon Business Park, or Marangi Solid Waste Facility. Pre-construction Notifications (PCNs) were submitted to USACE for Dewpoint North and South for authorization

under NWP 39 for Commercial and Institutional Developments. Pursuant to NWP 39, when 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer the prospective permittee may begin the activity. No written notice was received from the district or division engineer for either Dewpoint North or South. Accordingly, no further authorization from USACE will be required.

C12: Point discharges from numerous Stormwater Management Facilities are identified on the plans. These point discharges appear to discharge to wetland areas which are not part of the natural water course for Mohegan Brook. Impacts associated with these point discharges to the wetlands which are not to the stream channel should be addressed. Velocities at these point discharges may result in erosion of the wetland areas.

R12: Post development discharge locations are consistent with the pre development drainage patterns to the maximum practicable extent, and the design points modeled are consistent between pre and post development conditions. Outlet protection has been designed per the NYS Standards and Specifications and shown on the plans at all point discharge location to prevent erosion. Non-erosive outlet protection for point discharge locations has been included on the current site plans submission.

C13: A few comments expressed general concerns about the fact that there are state and federal wetlands in the vicinity of the project sites and questioned why any disturbance to such wetlands is permitted.

R13: For Dolsontown East and the Marangi Solid Waste Facility, no disturbance to the state or federally regulated wetlands onsite will occur. For Simon Business Park, there will be no disturbance to and state or federally regulated wetlands. By letter dated June 16th, 2021 NYSDEC advised that there appear to be wetlands on the project site which meet the 12.4-acre size threshold to be regulated by New York State under Article 24 of the Environmental Conservation Law, but are not on the regulatory map. No disturbance is proposed to these unmapped wetlands. The project wetlands consultant proposed to NYSDEC that the unmapped wetlands be protected by way of a 50 foot buffer. For Dewpoint South and Dewpoint North, approximately 1,350 and 2,650 square feet of federally regulated wetlands will be disturbed respectively. Collectively, this disturbance is less than 1/10-acre. Accordingly, no mitigation is required by the US Army Corps of Engineers and authorization under Nationwide Permit 39 for Commercial and Institutional Developments will be sought.

C14: We talked with the senator. The senator is going to make a ton of wetlands. Millions of these unmapped wetlands that you're about to let these people build on top of are going to be mapped protected wetlands at the beginning of the year. The bill has got millions of unmapped wetlands that are going to be added to the list. He just told us that. So now you're looking to build on something -- you're going to be the people that stuck one more thing in on top of the wetlands right before you weren't able to do it.

R14: Please refer to Section 8 Response 4.

Section 9. Endangered Species

C1: We appreciate that the applicants propose to limit the clearing of trees to October 1 to March 31, as this will minimize the potential to negatively impact Indiana Bats and/or Northern Long-Eared Bats that may be roosting in trees located on these sites.

R1: Comment noted.

C2: The Dolsontown Corridor is near known locations of Indiana bats, a state-listed Endangered species. As noted in the DGEIS, all tree removal associated with the projects will occur within the appropriate time of the year work window, October 1 through March 31, to avoid direct impacts to individuals. However, an assessment of cumulative impacts from the whole action should be conducted. It appears that greater than 10 acres of tree removal is proposed in total, and up to 71.79 acres of disturbance and vegetation removal (however, it is not clear if this is all tree cutting). While the DGEIS includes a review for each project, an cumulative evaluation of impacts to Indiana Bat habitat should be conducted. This should include a review of change in % forest cover for the maternity colony (2.5 mile radius) as well as a review of impacts to travel corridors over the area (hedge rows and stream corridors).

R2: There are 6,230 acres of forest within the 2.5 mile radius of the cumulative project area. The cumulative impact to forest from the proposed projects is 17.07 acres or 0.27% of the total forest area in this radius. With the seasonal clearing restrictions in place for the construction of the projects, it is unlikely that any individual bats will be taken as a result of the activity. In addition, the following measures will mitigate any potential impacts to bat species in the area: (1) preserving the wetlands on the sites which can potentially be used by bats as foraging and travel corridors; (2) site lighting will use approved light fixtures that have tops that direct light down to minimize light pollution and which are designed to not interfere with potential bat foraging activities; (3) implementing soil conservation and dust control best management practices, such as watering dry disturbed soil areas to keep dust down, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation to surface waters; (4) prior to clearing, the limits of proposed clearing will be clearly demarcated on the sites with orange construction fencing (or similar) to prevent inadvertent over clearing of the sites, and; (5) stormwater ponds if required will not be maintained with any chemicals that might adversely affect bats or insect populations on which they may feed.

C3: The project should evaluate site lighting with regard to potential impacts to protected Bat Species.

R3: Site lighting will use approved light fixtures that have tops that direct light down to minimize light pollution and which are designed to not interfere with potential bat foraging activities. All exterior site lighting proposed for the Projects will be dark-sky compliant.

C4: Some comments expressed general concerns about the loss of habitat that will occur because of the projects and how this will impact plants and animals in the area, and particularly how this will impact endangered species.

R4: Threatened and Endangered Species Habitat Suitability Assessments were conducted each subject site. Based on the findings contained in those assessments and the analysis contained in the DGEIS, none of the proposed projects will result in any significant impacts related to the potential presence of threatened or endangered species, and all potential issues have been mitigated to the maximum extent practicable. Therefore, no significant cumulative common impacts from the projects are expected to occur.

C5: The applicant indicates that there will be a loss of habitat for the Monarch Butterfly on the Simon Business Park site since there would be a removal of existing milkweed plants that these butterflies feed on. Therefore, the applicant of this site should coordinate with the New York State Department of Environmental Conservation (NYSDEC) and the U.S. Fish and Wildlife Service to minimize the impact on this species.

R5: The Monarch Butterfly is a candidate species only, so no assessment for that species is required by USFWS. Accordingly, no related mitigation measures were proposed for the Simon Business Park site.

C6: We further note that the photographs presented to show the lack of threatened or endangered vegetation such as the Whorled Pagonia were taken in the winter when the plants would not be visible. An evaluation must be done in the summer.

R6: Habitat Assessments were completed during spring, summer, and autumn. No potential habitat for the small whorled pogonia was observed during any season due to the lack of older growth forest on the site.

C7: Some comments suggested that the Dolontown Corridor area a “Critical Environmental Area” and/or a “protected Class 2 Agricultural District, and that therefore the resources in the area must be reassessed using ground-truthed methodology.

R7: The Dolsontown Corridor is not located in a Critical Environmental Area according to the DECinfo Locator. In addition, the use of land situated in an agricultural district is not restricted to agricultural production. See also Section 2 Comments 2 and 3.

C8: The project sponsors should conduct a full section 7 consultation pursuant to the Endangered Species Act ESA to determine if there will be a taking of any endangered or threatened species. The project sponsors have identified the potential to impact the Indiana and Long Eared Bat habitats, however the proposed mitigation to protect these species is inadequate. The sponsor must conduct a full ground survey and identify all roosting or potential roosting trees (for both maternity and bachelor colonies) These would include all Shag Bark Hickory trees and all trees with loose bark and crevices. The entire preferred pipeline route is “occupied habitat” for Indiana bats. Occupied habitat includes areas within 2.5 miles of identified critical habitat features, including roost trees. Of particular concern in the analysis of impacts to Indiana bat habitat is the percentage of forest cover present within 2.5 miles radius of known roosts/maternity colonies.

R8: Threatened and Endangered Species Habitat Suitability Assessments were conducted at each subject site. Based on the findings contained in those assessments and the analysis contained in the DGEIS, none of the proposed projects will result in any significant impacts related to the potential presence of threatened or endangered species, and all potential impacts have been mitigated to the maximum extent practicable. In the event a federal Incidental Take Permit is required then the US Fish and Wildlife Service, in consultation with the US Army Corps of Engineers, will request that his be done.

There are 6,230 acres of forest within the 2.5 mile radius of the cumulative project area. The cumulative impact to forest from the proposed projects is 17.07 acres or 0.27% of the total forest area in this radius. With the seasonal clearing restrictions in place for the construction of the projects, it is unlikely that any individual bats will be taken as a result of the activity. Therefore, no significant cumulative common impacts from the projects are expected to occur.

C9: Reference to the bats. It doesn't matter when you cut the trees. Those trees are critical roosting habitats for those bats. They are maternity nesting sites. The bats come year after year to the same exact trees and to the same exact nest. When they come and they don't find their nest and they don't find their tree, they get stressed and they do not deliver a baby. They do not bring a baby to term because they're so stressed. We've already lost 95 percent of our

bat population in the last decade. We cannot, especially in an agricultural district, cannot afford to lose our bat population. This is a critical migratory habitat. It is critical for our farmers. These bats are critical. They play a critical role in pest management. So no, you can't-- it doesn't matter when you cut them. Those trees cannot be cut, should not be cut. It is a critical environmental area.

R9: Please refer Section 9 Response 2 for a discussion of measures that will mitigate any potential impacts to bat species in the area.

C10: Bog Turtle habitat has been identified in nearby wetlands. Therefore a survey must be conducted to evaluate all impacted wetlands for potential bog turtle habitat. The Bog Turtle is a state listed endangered species and a federally listed threatened species.

R10: Bog Turtle was not included in the Official Species Lists provided for each site pursuant to Section 7 of the Endangered Species Act by the New York Ecological Services Field Office. In addition, no bog turtle habitat was observed at any of the sites during the field assessments. Accordingly, it was not included in the Threatened and Endangered Species Habitat Suitability Assessment for each site.

C11: ORCHID grows on wetlands

R11: Orchid was not included in the Official Species Lists provided for each site pursuant to Section 7 of the Endangered Species Act by the New York Ecological Services Field Office, therefore it was not included in the Threatened and Endangered Species Habitat Suitability Assessment for each site.

C12: For Dewpoint South it is stated that there is no presence of rare and endangered plant and animal species on page 16. We know this to be untrue as per the DEC website, which states that there are! Why would this be overlooked? When will you correct the study? We demand you include this in the consideration. How will you protect all these species? What will you do when you have to face the truth?

R12: The NYSDEC Environmental Assessment Form indicates that the Indiana bat may be located in the vicinity of the site. In addition, USFWS lists the Northern long-eared bat and small whorled pogonia as threatened and endangered species potentially located on the site and the monarch butterfly as a candidate species potentially located on the site. These species were included in the Threatened and Endangered Species Habitat Suitability Assessment for Dewpoint South.

C13: NYSDEC's management goal for Indiana bats includes a minimum 35% forest cover for these areas, a figure that is strongly associated with productive Indiana bat maternity colonies. Given the importance of the habitat along the Project and the potential for significant impacts to this habitat, the following information is required in order to make an impact determination for Indiana bats: 1-An assessment of the Project's indirect impacts to Indiana bats including an evaluation of temporary or permanent increases in noise, vibration, dust, chemical use, lighting, equipment use, and general levels of human activity. 2-A determination if the Project will result in temporary or permanent loss, degradation, and/or fragmentation of roosting, foraging, swarming and commuting degradation, and/or fragmentation of roosting, foraging, swarming and commuting or wintering habitat for Indiana bats. The existing percentage of forested cover within the occupied habitat area and, within this area, identification of the area considered suitable Indiana bat habitat 3-The percentage of suitable Indiana bat forested cover remaining within the occupied habitat post construction, considering the tree clearing

proposed during both construction and maintenance operations. 4- The actual acreage of trees that will be removed along the project, access roads and laydown areas. 5-For any areas of the Project at or below 35% forested cover a detailed acreage of tree removal for the projects including associated assess roads and laydown areas and an assessment of the quality of the forested Indiana bat habitat (age, species and diameter at breast height (DBH) of the trees) within the area planned for removal. 6-Identification of conservation measures to be implemented during construction and operation to minimize the likelihood of adverse indirect impacts to Indiana bats, such as preserving roost trees, minimizing clearing in suitable occupied habitat and maintaining forested connections; and mitigation measures to offset indirect impacts to bats.

The Applicant has not evaluated the indirect impacts from the proposed forest loss on Indiana bats. Until a full evaluation of the indirect impacts to Indiana bats is conducted and a comparison is made between the Project and the co-location alternatives regarding impacts to threatened and endangered species, NYSDEC staff finds it is premature to conclude that the Railroad and the Interstate 84 Alternatives do not show a significant environmental advantage.

R13: Appropriate mitigation measures for Indiana Bats have been provided and as per the NYSDEC request a radius map and potential impacts have been incorporated into previous responses to that Agency.

C14: One commenter observed an increase in insect population indicating a decrease of the bat population. What is your plan to mitigate pest control in the area as bat populations decline because of these projects? Bats do $23 billion worth of agricultural pest control each year. So without bats we're looking at a huge increase in pesticide usage and food costs going through the roof, too. How do you plan to protect the agricultural area in terms of pest control while destroying bat populations?

R14: No pest control measures are proposed for the projects at this time. Generally, wastes at the Marangi Solid Waste Facility shall be handled in a manner that will reduce the attraction of pests to the site. Any rodenticide if needed will be applied by a New York certified commercial pesticide applicator.

C15: What will you do for neighbors who have bats roosting in their homes/properties as a result of loss of habitat? We propose installing BAT BOXES around the properties and elsewhere in the surrounding area. These should equal the amount of trees cut down, to provide the same amount of housing for the homeless bats. Though bat boxes cannot replace the range of natural cavities and features that trees provide, they can create additional roosting opportunities for a variety of species. Bat boxes can be fitted on trees and can be purchased prebuilt, or created from DIY designs. Shelter is not the only resource that bats require however and their food and water supplies need to be taken into consideration as well.

R15: Please refer to Section 9 Comment 2.

C16: There has been no evaluation of potential bald eagle's nest in the area. The population of bald eagles has risen in the past decade and any disturbance of a nest is a violation of the federal Bald and Golden Eagle Protection Act.

R16: Neither the NYSDEC nor the US Fish and Wildlife Service identified bald eagles on the list of threatened, endangered, proposed and candidate species, or proposed and final

designated critical habitat, that may occur within the boundary of the project sites and/or may be affected by the project. Furthermore, no Bald Eagle habitat was observed at any of the sites during the field assessments. Accordingly, it was not included in the Threatened and Endangered Species Habitat Suitability Assessment for each site and development of an eagle conservation plan is not required.

C17: The area is also known for numerous migratory birds that inhabit the area. There should be an evaluation of potential impacts to migratory birds.

R17: Neither the NYSDEC nor the US Fish and Wildlife Service identified any migratory bird species on the list of threatened, endangered, proposed and candidate species, or proposed and final designated critical habitat, that may occur within the boundary of the project sites and/or may be affected by the project. Therefore, protected migratory bird species were not included in the Threatened and Endangered Species Habitat Suitability Assessment for each site.

Section 10. Archaeological and Cultural Resources

C1: A few commenters expressed concerns about potential impacts to archaeological and cultural resources in and around the site. In particular, a few are concerned about a burial ground located near the project site.

R1: Phase 1 Archaeological Investigations at each site revealed that while the sites are historically sensitive, and some have a higher-than-average potential for the recovery of prehistoric sites and nineteenth to early twentieth century European-American historic sites, the proposed projects will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable. Letters of No Effect from SHPO have been received for each of the projects. According to SHPO, a New York State Museum-recorded archaeological site, NYSM 6169, is mapped within the Marangi Solid Waste Facility project area. The site is described as “Cemetery.” No other information is available. The mapped location must be considered approximate and, based on a review of historic USGS topographic maps, there may have been significant landscape modification in the recorded site’s vicinity. Based on these factors, SHPO recommends that the project “will not adversely affect historic or archaeological properties listed or eligible for listing on the National Register of Historic Places conditioned on a commitment by the applicant to implement our Human Remains Discovery Protocol should any evidence of human remains or possible burial goods be encountered during construction.” Accordingly, should any evidence of human remains or possible burial goods be encountered during development of the site, SHPO’s 2021 Human Remains Discovery Protocol will be implemented immediately.

C2: A few commenters have requested that additional archaeological testing be done at the project sites, including additional shovel tests and soil testing.

R2: At all of the sites, researchers excavated pits every 50 feet, resulting in a total of 127 shovel tests at Dewpoint South, 28 shovel tests at Dewpoint North, 723 shovel tests at Dolsontown East, 323 shovel tests at Simon Business Park, and 297 shovel tests at the Marangi Solid Waste Facility. None of the subsurface investigations revealed any prehistoric or historic cultural artifacts or features.

C3: Some comments called for more insight and comment from the town historian, local historical committees and/or local archeological and cultural groups.

R3: Phase 1 Archaeological Investigations at the sites revealed that while the sites are historically sensitive, and some have a higher-than-average potential for the recovery of prehistoric sites and nineteenth to early twentieth century European-American historic sites, the proposed projects will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable. Letters of No Effect from SHPO confirmed these findings. See Comments 2 and 3 above.

In addition, the original scoping document adopted December 8, 2021 and the DGEIS accepted April 27, 2022 properly identified and provided notice to all Involved and Interested Agencies pursuant to SEQRA. The FGEIS incorporates and responds to comments from those agencies who offered them. Finally, the Planning Board's SEQRA public participation on this project has been robust. The Planning Board opted to hold two public hearing (both of which are optional under SEQRA) and held the comment period open for a total of 67 days (where only 30 are required under SEQRA). Moreover, the Planning Board will be allowing for additional comment on the underlying site plan and special use applications by keeping those hearings open. Prior to making SEQRA findings, the Planning Board will afford both the agencies and the public a reasonable time period to consider the final EIS, pursuant to 6 NYCRR 617.11(a). To the extent that the town historian, local historical committees and/or local archeological and cultural groups are interested in participating in the review process, they have been given ample opportunities to do so, and will have additional opportunities.

C4: One commenter called for a thorough cultural resources survey of the potential burial ground by an independent archeologist.

R4: Phase 1 Archaeological Investigations at the sites concluded that the proposed projects will not result in any significant adverse impacts related to cultural, historic and archaeological resources, and all potential issues have been mitigated to the maximum extent practicable. Letters of No Effect from SHPO confirmed these findings. Thus, no additional archaeological investigations will be undertaken at the site. Should any evidence of human remains or possible burial goods be encountered during development of the sites, SHPO's 2021 Human Remains Discovery Protocol will be implemented immediately. See Comments 1-3 above.

C5: This land is of historical and archeological significance because it aligns with the earliest indigenous migratory trails. The house at the end of Caskey Lane is one of the oldest homes in the county and its front door faces the field at the back of Caskey Lane where the old indigenous trail used to be. There are book, records and first hand accounts from the 1800s and early 1900s confirming this and we have presented these findings to the board via our local Minisink Historian.

R5: Comment noted.

C6: The proposed site encroaches upon the Native American Migratory Trail.

R6: Phase 1A literature search and sensitivity assessments conducted at the sites evaluated potential settlement of the area by indigenous peoples, and subsequent European settlement based on historical accounts. However, no maps or references to such trails were identified.

In addition, the evaluation of historic and topographical maps suggested that the historic sensitivity of the project is considered moderate to low.

C7: We appreciate the applicant's effort to provide the Phase IB of the Archeological Report for the Dewpoint North project. However, the applicant should provide additional test pits in the northwestern portion of the proposed construction area, as it does not appear that there are test pits at the 50' intervals that are required for a thorough evaluation of potential archeological and historical artifacts in this area.

R7:

The Phase 1B Archaeological Field Reconnaissance Survey dated November 2021, prepared for Dewpoint North, by Hudson Valley Cultural Resource Consultants, Ltd., states as follows:

> "In total, twenty eight (28) shovel tests were planned within the Project APE. The soils encountered consisted of a brown silty loam overlying a yellowish brown silty clay with gravel. In several locations the subsoil consisted of a pale brown clay loam. Five (5) shovel tests were not completed due to steep slope or saturated soils. No cultural material was identified in any of the completed shovel tests."
>
> "Based on the results of the survey, no archaeological sites or historic structures are located within the Area of Potential Effect (APE). Therefore, the proposed undertaking will not affect any potentially significant cultural resources. In the opinion of HVCRC that no additional cultural resources investigations are warranted for the proposed Project."

Section 11. Environmental Justice

C1: A few commenters expressed concerns about the projects' impacts on environmental justice communities, and specifically wanted to know whether the projects have incorporated conversations with local environmental justice groups and whether a full environmental justice analysis has been completed in accordance with DEC Commissioner Policy 29 (CP-29).

R1: Because the Dolsontown Corridor is located within a Potential Environmental Justice Area, applications for major projects and major modifications for certain permits are subject to CP-29 and must prepare and submit to NYSDEC an Enhanced Public Participation Plan for review. While the Warehouse Projects do not meet the major project or modification thresholds, the Marangi Solid Waste Facility does. Accordingly, a draft Public Participation Plan in accordance with CP-29 has been prepared for the Marangi Solid Waste Facility and submitted to NYSDEC for review. The Local NAACP shall be included in as a Project Shareholder per Marangi's Public Participation Plan. No Public Participation Plans will be prepared for the Warehouse Projects.

Section 12. Emergency Services

C1: The applicant should coordinate with the local fire department, police department and ambulance corps serving this site to ensure that any of their safety concerns are addressed.

R1: The New Hampton Fire Company is an Interested Agency pursuant to 6 NYCRR 617.2 and thus received copies of the DGEIS; however no comments were received in response. Previously, in response to submission of sketch plans for Dewpoint South, Dewpoint North, and Dolsontown East, the New Hampton Fire Company offered comments on the proposals which were incorporated into the preliminary site plans included in the DGEIS.

C2: What kind of [firefighting] resources are going to be made available to the garbage company and also the other warehouses that are going to be built?

R2: In the event of a fire, the facilities will rely on services from the New Hampton Fire Company. The facilities will familiarize the fire department with their locations and operations, provide them with layouts and evacuation plans for each site, and provide them with a contact telephone number for each site manager. The fire department will have nearby access to water for firefighting via newly installed hydrants along Dolsontown Road and via on-site hydrant, as detailed in each site plan.

Section 13. Water/Sewer

C1: Has there been consideration provided to the wastewater quality generated from the transfer station? Liquids that had been passed through municipal solid waste or washdown water are likely to have a wastewater quality different from ones typically generated from office buildings, residences and warehouses and may require additional treatment prior to discharge. The provided documents do not appear to indicate pretreatment and appears to indicate direct discharge into sanitary sewer. Please clarify all pretreatment requirements to discharge to the sanitary sewer system.

R1:

The wastewater discharged to the Town of Wawayanda Sewer District must meet the National Pretreatment Standards, and the standards included in Sections 138 and 389 of the Town of Wawayanda Code and the City of Middletown Code, respectively. The relevant standards include the National General and Specific Pre-Treatment Standards contained in 40 CFR Part 403.3(p) and (k), and Part 403.5(b), respectively. Local standards include prohibited waters and wastes listed in Sections 138-77, and 389-27 B. of the Town and City Codes, respectively. Local Concentration-based limitations and discharge limits for specific substances are listed in Sections 138-78, and 389-30 of the Town and City Codes, respectively. The general prohibitions include pollutants that can pass through and or inhibit or disrupt the sewer and wastewater treatment system.

A summary of the specific national and local prohibitions include:

- Pollutants which create a fire or explosion hazard.
- Corrosive pollutants capable of causing structural damage.
- Solid or viscous pollutants capable of causing obstruction to sewers.
- Oxygen demanding pollutants released at a flow rate and/or pollutant concentration which will cause interference with the wastewater treatment system.
- Wastes having a temperature higher than 104 degrees Fahrenheit.
- Petroleum, non-biodegradable, cutting, or mineral oils.
- Pollutants which result in the presence of toxic gases, vapors, or fumes.
- Wastewaters containing any radioactive wastes.
- Medical wastes.

The wastewater from the Marangi Facility is expected to meet the required national and local standards through implementation of the Facility's Waste Control Plan and pretreatment through an oil-water separator. The Facility shall not accept hazardous wastes, medical waste, radioactive waste, liquids, and industrial or commercial sludges, slurries, powders, or dust. Pollutants of concern within the Facility wastewater include total suspended solids, biochemical oxygen demand, oil, and grease. The gravity oil-water separator shall separate oil and grease and allow solids to settle from the wastewater. The pre-treated wastewater

shall then be discharged to a grinder pump and pumped via a force main to the existing sewer line along Dolsontown Road.

C2: The first paragraph of pdf page 4 of 9 in Appendix G states: "The potable water and wastewater generation rates from the Marangi facility are projected to be 2,476 gpd." It is unclear what is included in this projected gallon per day value. For example, a truck washing area is proposed on Page 24 of 65 in DGEIS. The statement provided on Page 4 of 9 in Appendix G also references "The Full Environmental Assessment Form, revised May 11, 2021, prepared by The Chazen Companies for details on the estimated Marangi water and sewer production rates." A review of the work performed by the Chazen Companies in Appendix E does not appear to include the proposed truck washing activities. Please provide clarity in these documents.

R2: The "Full Environmental Assessment Form", revised May 11, 2021, prepared by The Chazen Companies does not appear to be included in the Appendix E pdf. The Full Environmental Assessment Form shall be added to Appendix E of the FGEIS.

C3: Pdf page 24 of 65 of the DGEIS, in the discussion of Phase 2 for the Marangi Solid Waste Transfer Station, discusses a "truck washing area." A review of Appendix E and Appendix G does not appear to address the water needs for a truck wash, nor provide a plan for the disposal of the truck wash water. A truck wash, depending on usage, may result in significant water usage and a significant wastewater generator. The water supply needs and wastewater discharge associated, along with pretreatment of the wastewater, with the truck wash should be addressed within the document.

R3: The estimated water need and wastewater for the truck wash is included in the attached "Full Environmental Assessment Form", revised May 11, 2021, prepared by The Chazen Companies, which has been added to Appendix E of the FGEIS.

The truck wash is part of the potential Phase 2 of the Site Development shown on the Conceptual Full Build Plan. The Conceptual Full Build Plan was prepared to assess the potential full development environmental impacts as requested by the Town Planning Board. A Site Plan and Special Use Permit has been requested only for the Phase 1 Transfer and Recycling Facility at this time. Specific details regarding the truck wash facility shall be developed at the time the plans for Phase 2 of the Site Development are finalized. The truck wash shall be capable of recycling all or most of the truck wash water.

C4: On pdf page 2 of 9, in Appendix G, last paragraph states: "Potable water service will be provided via a water main that will connect to the Town's existing 12" main and extend down Dolsontown Road to the Dolsontown East Warehouse #1 parcel. The 1,800 gpm fire flow capability of the Town's system will be maintained." Typically, when discussing fire flow, a delivery pressure is also provided. A review of the DGEIS and Appendix G appears to be silent on the fire flow delivery pressure. With the proposed development, is the fire flow capacity of 1800 gpm maintained at the same delivery pressure? Please address fire flow delivery pressure within the document, cite the applicable NFPA requirements for the facility and confirm that the design conforms with applicable NFPA requirements.

C5: The DGEIS with its associated appendices were reviewed against the SEQRA scoping document contained in Appendix I. On page 11 of 14 of the SEQRA scoping document, Item 2.ii.b, requires the DGEIS to "Provide a calculation of fire flow requirements based on NFPA guidelines. Address whether any of the Projects will require fire water storage tanks and/or pumping facilities." This required calculation and review of the NFPA guidelines appears to

have been omitted. Appendix G, which provides the discussion on water and wastewater needs, only states the available fire flow. Calculations of fire flow, along with requirements of fire water storage tank and/or pumping facilities should be addressed within the document.

R4 & R5: The Sanitary Sewer and Water Distribution System Engineering Report has been updated to include fire flow delivery pressures and calculations at the point of connection between the existing Town system and at the termination point of the watermain extension. It has also been updated to clarify that the NFPA requirements for required fire flows are based on very specific design / materials of construction / usage components of each facility. These components, along with the presence / type of fire suppression system that may be included with each facility are all included in the determination of the required fire flow for each facility. This level of design for the facilities are not complete and the required fire flow cannot be determined. Instead, it is recommended that each building designer consider the available fire flow and design the facility accordingly.

C6: Appendix G is titled "Sanitary Sewer and Water Distribution System Engineering Report." Appendix G does not provide a minimal description of the wastewater system. At a minimum, discussion of pretreatment, quantity and quality for the wastewater to be generated from the anticipated activities should be addressed within the documents.

R6: The RDM warehouse projects will be discharging sanitary wastewater from employee restrooms. No process water is proposed to be discharged from these facilities. The Sanitary Sewer and Water Distribution System Engineering Report has been updated to include the projected wastewater constituent concentrations and volumes. Wastewater from the eastern sections of the development are at lower elevations than the existing municipal gravity sewer system. The gravity sewer starts at 1081 Dolsontown Road and conveys wastewater to the municipal pump station at the intersection of Dolsontown Road and 17M. Private pump stations are proposed for the Dolsontown East facilities, the Marangi facility and from the Simon facilities. These pump stations are proposed to convey wastewater via a common forcemain to be installed in the Right-of-Way of Dolsontown Road. This forcemain is proposed to discharge to the gravity sewer at 1081 Dolsontown Road. From the municipal pump station at Dolsontown Road and 17M, wastewater is conveyed to the City of Middletown's Sewer Treatment Plant.

Wastewater generated at the Transfer and Recycling Facility will be primarily derived from precipitation gathered on trailers, incidental liquid contained within materials received, and floor wash water. Pollutants of concern within the wastewater include total suspended solids, biochemical oxygen demand, oil, and grease. Wastewater within the Transfer and Recycling building shall drain to floor drains connected to double contained gravity drainpipes which will convey the wastewater to a gravity oil-water separator for pre-treatment. The gravity oil-water separator shall separate oil and grease and allow solids to settle from the wastewater. The floor drains within the Transfer and Recycling Building shall also trap solids by setting the drainpipe inverts one foot above the base of the floor drain. The pre-treated wastewater shall then be discharged to a grinder pump and pumped via a force main to the existing sewer line along Dolsontown Road.

C7: Improvements to the Town's sanitary sewer pump station should be identified.

R7: The Sanitary Sewer and Water Distribution System Engineering Report has been updated to include a description of the proposed improvements to the Town's sanitary sewer pump station.

C8: The DGEIS with its associated appendices were reviewed against the SEQRA scoping document contained in Appendix I. On page 11 of 14 of the SEQRA scoping document, item 2.iii.c. requires the DGEIS to "Describe use of water conservation fixtures ." This discussion of water conservation fixtures appears to have been omitted and should be corrected.

R8: The intent is to maximize water efficiency within each building to reduce the burden on municipal water supply and wastewater systems. The proposed building will employ strategies that use 20% to 30% less water than the water use baseline calculated for the building. The domestic water baseline (not including irrigation) is determined by the Energy Policy Act of 1992 fixture performance requirements.

The proposed project will specify the use of high-efficiency, low flow fixtures, as well as occupant sensors to reduce the potable water demand. Water conserving plumbing fixtures will be installed, including high efficiency dual-flush toilets and automated faucets.

C9: The second thing, where is the water and sewer district limits on this? If you go down Dolsontown there, where are the limits?

R9: All of the Dolsontown Corridor projects are located within the Town Sewer District #1 and Town Water District #1.

C10: How much Middletown water will this project use?

R10: Regulatory standards determine the projected potable water usage and the sanitary sewer generation rates for the facilities based on the number of employees. The cumulative projected water use for all the projects is 13,387 gallons per day. The City of Middletown allocates on a permanent basis to the Town of Wawayanda, 200,000 gallons per day of water and 200,000 gallons of sewer service. The Town currently purchases / consumes approximately 75,000 gpd, resulting in sufficient excess capacity in both the potable water and the sanitary sewer system of approximately 125,000 gpd.

Section 14. Stormwater

C1: A State Pollution Discharge Elimination System (SPDES) Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity (MSGP) is required for a facility with industrial discharges.

R1: Prior to operation of the Transfer and Recycling Facility, a Stormwater Pollution Prevention Plan (SWPPP) including implementation of Best Management Practices (BMPs), effluent limitations, and monitoring requirements specified for Waste Recycling Facilities included in NYSDEC Multi-Sector General Permit for stormwater discharges from industrial facilities shall be drafted. The SWPPP and a complete Notice of Intent shall be submitted to the NYSDEC to obtain coverage under the Permit at least 30 days before industrial activities begin at the Facility.

C2: The drawings provided on pdf page 4 and 5 of the 654 of Appendix E. Bioretention areas – no pretreatment is shown for these areas, which are subject to rapid clogging and failure if coarse sediment and debris are not effectively managed at the inlet. This should be corrected.

R2: The Bio-retention Basin shall include a stone diaphragm along the edge of the paved parking lot for erosion control. The stone diaphragm is located along the Administration Building Parking lot, and the access road adjacent to the Bioretention Basin. The location has been added to the Site Plan included in the updated January 2023 SWPPP. Vegetated slopes

above the basin, and vegetated swales upstream of the Bio-retention Basin shall provide settling of solids. A three-inch mulch layer shall also be included above the planting soil within the basin. The Bio-retention Basin including its inlet will be included in the Daily Site inspection to check that it is functioning effectively. Cleanout pipes shall provide access to the Bio-retention Basin collection pipes for maintenance to address potential clogging.

C3: Regarding the drawings provided on pdf page 4 and 5 of the 654 of Appendix E, runoff from the western portion of the site is conveyed to the eastern portion, where it enters a wet pond that discharges to a small tributary along the eastern boundary of the project. Such a diversion of drainage from one watercourse to another is likely to result in flooding and/or destabilizing erosion that must be addressed or avoided. Also, this east Wet Pond is only partially constructed during Phase 1, however Appendix E does not explain how it is possible to expand a wet pond during Phase 2 while remaining functional for Phase 1 runoff. This should be addressed.

R3: Based on the existing site topography the pre-development watershed for the area north of the Transfer and Recycling Facility building which drains to the eastern Wet Pond also discharges to the tributary to Monhagen Brook along the eastern boundary of the project. Therefore, this drainage is not considered diversion of drainage from one watercourse to another. Flooding and erosion impacts are addressed through the design of the Stormwater Collection System per the NYSDEC Stormwater Design Manual and the SPDES General Permit for Stormwater Discharges from Construction Activity.

The Wet Pond expansion would occur during the dry season and may be dewatered and/or utilize a temporary berm/dam during construction. The plans for the Wet Pond expansion are conceptual and will be finalized at the time Phase 2 of the Site Development Plan is finalized.

C4: Concerning the drawings provided on pdf page 4 and 5 of the 654 of Appendix E, HDPE is specified for the storm drain pipes, which appear to be 2.5 ft below final grade of pavement. Appendix E should demonstrate that these shallow HDPE pipes can withstand heavy truck traffic (up to 20 tons) without failure, and will function properly without freezing during winter conditions.

R4: Please see the Technical Note regarding Minimum Cover Heights for HDPE Storm Pipe for Storm Drainage (TN 2.01 May 2022) prepared by ADS, which has been added to Appendix E of the FGEIS. Pipe diameters from 12- through 48- inches installed in traffic areas (AASHTO H-20, H-25, or HL-93 loads) must have at least one foot of cover over the pipe crown. The AASHTO H-20, H-25, or HL-93 loads represent 20-ton and higher loads. The cover soil shall consist of compacted NYSDOT 304-2.02 Type 2 stone. The cover soil depth shall provide the minimum pipe cover and pavement thickness.

Freezing conditions are not expected to prevent the pipe from functioning based on the pipe slope and size designed to convey the flow from a 100-year storm.

C5: Table 2 – Soil Type, on pdf page 13 of 654 of Appendix E, lists Mardin gravelly silt loam soil as both hydrologic soil group (HSG) D and “moderately well drained”. This seems to be inconsistent, but appears to relate to high groundwater rather than lack of infiltration capacity. The SWPPP should discuss implications of this soil to support both bioretention (which requires some vertical separation from groundwater to not become saturated) and the adjacent wet pond (which appears to be below the water table and thus able to retain a permanent pool.)

R5: The base elevation of the Bioretention Basin shall provide the minimum separation with groundwater observed on the site during the subsurface investigation. The Wet Pond is intended to retain a permanent pool, therefore ground water is not expected to impact the Wet Pond performance. The SWPPP shall be updated prior to the final Site Plan submittal for the Site Plan and Special Use Permit Application.

C6: A review of the SWPPP contained in Appendix E reveals a numerical inconsistency. The calculation of the area disturbed refers to 7.1 aces or 7.8 acres. Water quality, quantity, and stormwater treatment sizing appears inconsistent. If the values refer to different definitions, the document should be corrected.

R6: The updated area is 9.6 acres and is included in the updated SWPPP.

C7: Pdf page 114 of 654 of Appendix E, contains the information regarding the notice of intent (NOI) for coverage under Stormwater General Permit for Construction Activity. Item 7 as presented on page 114 of 654 states that the Marangi Solid Waste Transfer Station is not a phased project. The information provided in the DGEIS and Appendix E extensively discusses a phased approach. Was the information provided in the NOI in error? Corrections may be necessary.

R7: The SWPPP and the NOI included in the GEIS is intended for only Phase 1 – The Transfer and Recycling Facility which shall be constructed in one phase. The potential full build out of the site is not expected to occur until at least five years after the Transfer and Recycling Facility is constructed. This construction will be done under a separate SWPPP and NOI. The NOI has been updated to clarify this.

C8: Pdf page 114 of 654 of Appendix E, contains the information regarding the notice of intent (NOI) for coverage under Stormwater General Permit for Construction Activity. Item 9 as presented on page 114 of 654 states the nearest surface waterbody is a stream, however the site plans clearly show that the wet ponds will discharge to wetlands. Furthermore, Item 14 of the NOI states that the project will not disturb soils within 100 feet of a wetland, while the site plan clearly shows that it will. These inconsistencies should be addressed in the document.

R8: The stormwater system discharges to wetlands that are adjacent to Monhagen Brook, and the tributary to Monhagen Brook along the eastern perimeter of the Project Area. The NOI shall be updated to include the wetlands adjacent to Monhagen Brook, and the tributary. Item 14 of the NOI asks, “Will the project disturb soils within a State regulated wetland or the protected 100-foot adjacent area?”. The subject wetlands are not State regulated wetlands and consequently do not have a 100-foot adjacent area, therefore no correction is needed.

C9: Specific industrial activities on the Marangi Solid Waste Facility site listed in the DGEIS that require controls include the transfer/collection truck drop-off area (25,200 sq ft), the “shop” associated with the transfer station building (4,800 sq ft), the C&D recycling storage bins, the residential drop-off area, ingress/egress routes that will be used by trucks transporting solid waste, the truck maintenance shop (36,000 sq ft), the fabrication shop (12,000 sq ft), fueling station, and a roll-off storage area (0.5 acres). This should be addressed.

R9: Prior to operation of the Transfer and Recycling Facility, a Stormwater Pollution Prevention Plan (SWPPP) including implementation of Best Management Practices (BMPs), effluent limitations, and monitoring requirements specified for Waste Recycling Facilities included in NYSDEC multi-sector permit for stormwater discharges from industrial facilities shall be drafted. The SWPPP and a complete Notice of Intent shall be submitted to the NYSDEC to

obtain coverage under the Permit at least 30 days before industrial activities begins at the Facility. The Conceptual Full Build Out Plan was developed to assess environmental impacts from the potential full development of the site as requested by the Town Planning Board. Specific design details and controls for these features including the truck maintenance shop, the fabrication shop, fueling station, and roll-off storage area shall be developed if the Full Build Out Plan is finalized.

Stormwater controls to be implemented for the Transfer and Recycling Facility include non-structural and structural controls. Non-structural controls include an inbound waste control program, minimizing exposure, good housekeeping, preventative maintenance, employee training, spill prevention and response, and routine facility inspections. Minimizing exposure shall be achieved by all waste tipping and processing activities taking place on a reinforced concrete floor within the enclosed Transfer and Recycling building. All industrial materials shall be located and contained inside the enclosed building. The tipping floor shall be cleaned daily. All outbound vehicles leaving the Facility containing waste will be equipped with tarping systems which provide a waterproof cover. All vehicles transporting solid waste shall not allow particulates, fluids, leachate, or other matter to escape. The full trailer parking area north of the Transfer and Recycling Facility shall be covered with a roof and drain to the floor drain wastewater sewer system.

The outdoor Recyclable Material Storage Bunkers shall only store uncontaminated concrete, asphalt, rock, and brick. These materials are not required to be stored on a concrete or asphalt storage area floor by the New York State Department of Environmental Conservation Part 360 Solid Waste Management Facility Regulations. The materials shall be confined and separated by concrete bunkers and drain to the stormwater collection system. The Residential Drop-off Area containers shall include lockable UV-protected polyethylene covers and shall be emptied daily when in use. Daily site inspections will check for litter, dust, and all stormwater management controls to ensure that they are functioning effectively.

Structural controls shall include sediment and erosion control through asphalt paving in vehicle access ways and parking areas, and landscaped vegetation in unpaved areas. Site grading shall ensure that processing, storage and vehicle access and parking areas are free of standing water. Vegetated swales, and catch basins shall provide for the settlement of solids.

C10: This comment is in regards to the stormwater related discussion on pdf page 12 of 65 of the DGEIS. In general, stormwater from industrial activities subject to the Multi-Sector Permit should be minimized and, where present, not co-mingle with other stormwater. If the co-mingling does occur, effective and appropriate stormwater treatment should be provided. The provided design does not appear to provide either stormwater minimization or co-mingling prevention. Treatment for stormwater "hotspots" is provided for the Dewpoint South, North, and East warehousing facilities (i.e., Appendices A, B, and C), however the DGEIS does not properly demonstrate that effective and appropriate stormwater treatment for stormwater from industrial activities is provided. Furthermore, no such "hotspot" treatment systems are identified for the Simon warehousing facility (Appendix D) or the Marangi Solid Waste Facility (Appendix E). The discussion should discuss methods to minimize stormwater and/or co-mingling prevention.

R10: Double pretreatment of hotspot runoff has been provided for the warehouse projects prior to any infiltration as required by the design manual. A section discussing hotspot runoff and treatment has been added to the Simon warehouse SWPPP.

The following discussion has been added to the Stormwater discussion within the FGEIS for the Marangi Transfer and Recycling Facility. Methods to minimize stormwater co-mingling include all waste transfer and processing operations taking place on a reinforced concrete floor within the fully enclosed Transfer and Recycling building. Wastewater within the Transfer and Recycling building shall drain to a gravity oil-water separator and discharge to the existing sewer line on Dolsontown Road. The only material to be stored outdoors is uncontaminated concrete, asphalt, rock, and brick, which shall be separated and confined within concrete storage bunkers. The Full Trailer Parking area north of the Transfer and Recycling Building shall drain to the wastewater sewer system. The Full Trailer Parking area shall be covered with a roof to minimize stormwater co-mingling. Site grading shall ensure that stormwater run-on does not impact the vehicle access and parking areas, storage areas or the Transfer and Recycling Building.

Stormwater is minimized by disturbing the least amount of area needed for the proposed Facility operation, utilizing vegetated swales, and planting landscaping vegetation in areas outside of the Facility.

C11: In regard to the stormwater related discussion on pdf page 12 of 65 of the DGEIS, "[s]torm water generated by industrial activities regulated under the Multi-Sector Permit appears to be directed to the bio-retention areas or the wet ponds proposed for this development. Some pollutants in stormwater from these industrial activities may not be effectively treated by the proposed bio-retention area or wet ponds. Specific pollutants of concern are the leaching liquid waste and solid waste associated with the Marangi Solid Waste Facility, unknown materials transported to/from or warehoused at all the other facilities, and various fluids associated with vehicle and equipment maintenance at all facilities. These pollutants should be identified and appropriate controls should be provided.

R11: Hotspot runoff has been appropriately addressed for the proposed warehouse facilities, bioretention areas and wet ponds are both NYSDEC approved green infrastructure techniques suitable for treating hotspot runoff. For the Marangi Solid Waste Facility, all waste tipping, transfer, and recycling processing activities will occur on a reinforced concrete floor within the fully enclosed Transfer and Recycling building with a double contained floor drainage system. All liquid waste will drain to a gravity oil-water system and then to a grinder pump to be pumped to the exiting sewer line on Dolsontown Road. The only material proposed to be stored outside is uncontaminated concrete, asphalt, rock, and brick within concrete storage bunkers. Fluids associated with vehicle and equipment maintenance shall be adequately stored and contained within the enclosed buildings. This information shall be included in the SWPPP developed for the Multi-Sector General Permit For Stormwater Discharges Associated With Industrial Activity Permit prior to the Facility operation.

The proposed Bio-retention Basin primarily receives runoff from the administration office building, its parking area, and the administrative office building access road, these areas are excluded from the definition of stormwater discharges associated with Industrial Activity included in the NYSDEC SPDES Multi-Sector General Permit For Stormwater Discharges Associated With Industrial Activity Permit No. GP-0-17-004. The wet ponds receive runoff from the paved truck access areas north and south of the Transfer and Recycling building, and the uncontaminated concrete, asphalt, rock, and brick storage bunkers. Based on the previously discussed structural and non-structural stormwater controls to implemented pollutants from leaching leachate waste and solid waste shall not contaminate the stormwater collection and treatment system.

C12: On pdf page 14 of 65 of the DGEIS, under the subheading, “Irreversible and Irretrievable Commitment of Resources”, has the following statement about the Marangi project site where” …. a SF fabrication shop” [sic] is proposed. The DGEIS needs to explain what will be fabricated, whether this fabrication operation is exposed to stormwater, and if it is subject to the Multi-Sector Permit.

R12: the following discussion has been added to the FGEIS for the Truck Storage and Maintenance Facility Fabrication shop. The Fabrication Shop shall be in support of the Truck Maintenance Facility and will be used to maintain and repair the collection truck fleet. The fabrication operation will take place within a fully enclosed building and not be exposed to stormwater. The Facility shall be included in the SWPPP drafted for the Truck Storage and Maintenance Facility SPDES Multi Sector Permit for Stormwater Discharges Associated with Industrial Activity if full development of the site occurs.

C13: On pdf page 14 of 65 of the DGEIS, the sentence referenced in the previous comment also mentions that the site will contain “driveways and drop-off areas, … a truck maintenance ship [sic}, … fueling station, and roll-off storage area “. Review of site plans in Appendix E do not show any features, required under the Multi-Sector Permit, to prevent exposure of these industrial activities to stormwater, segment runoff from these areas away from general site runoff, or otherwise prevent pollutant discharges, particularly illicit discharges. These measures should be addressed in the DGEIS and the SWPPPs.

R13: The Truck Maintenance Shop, Fueling Station and Roll-off storage area are part of the Conceptual Full Buildout Plan. This Plan was developed to assess the potential environmental impacts of the full development of the site as requested by the Town Planning Board. The pollution prevention features and stormwater controls for the Full Build Out Plan shall be developed if full development of the site occurs. The stormwater controls for the Transfer and Recycling Facility have been addressed in the previous comments and shall be included in the SWPPP developed for the Multi-Sector General Permit for Stormwater Discharges Associated With Industrial Activity Permit prior to the Facility operation.

C14: Regarding Marangi Solid Waste Facility: On page 3 of the SWPPP, it states that the development will take place in an archaeologically sensitive area, written confirmation that it will not require a phase 2 assessment to be completed from CRIS should be included in the next SWPPP submission.

R14: The June 15, 2021, letter from the New York State Historic Preservation Office which recommended that the project will not adversely affect historic or archaeological properties listed or eligible for listing on the National Register of Historic Places is included in Appendix K of the FGEIS.

C15: Regarding Marangi Solid Waste Facility: Table 2 of the SWPPP states that several of the on-site soils are moderately well drained, but as they are Hydrologic Soil Group D, this should be revised to show them as being poorly drained.

R15: The Drainage Class on Table 3 is taken directly from the descriptions of each soil found in the USDA NRCS Custom Soil Resource Report. The Table shall be updated to clarify the hydrologic soil group relates to high groundwater rather than lack of infiltration capacity.

C16: Regarding Marangi Solid Waste Facility: The erosion and sediment control measures section of the SWPPP should be revised to include silt fence or an equivalent.

R16: Silt fence or equal has been added to Section 4.1 of the updated SWPPP.

C17: Regarding Marangi Solid Waste Facility: The SWPPP should be revised to include a description of the proposed stormwater management practices.

R17: Detailed descriptions of the proposed stormwater management practices has been added to Section 8 of the updated SWPPP.

C18: Regarding Marangi Solid Waste Facility: The SWPPP should be revised to include a description of the different storm events, their SMP requirements, and the associated calculations required for them, as per the 2015 SWMDM Chapters 4 &10.

R18: Descriptions of the different storm events, their SMP requirements, and their calculations have been included in the updated SWPPP.

C19: Regarding Marangi Solid Waste Facility: As per Chapter 9 of the 2015 SWMDM, redevelopment WQv reductions are only applicable when existing impervious surfaces are disturbed and reconstructed in the same location. Based on the existing and proposed plans, it appears that the majority of the existing impervious that is being removed is in an area that does not contain proposed impervious, and thus this area would not be considered redevelopment. Review and revise accordingly.

R19: The intent of the reduced WQv requirements set forth in Chapter 9 of the SWDM is to encourage redevelopment of previously developed sites. It has been our experience that the impervious area does not have to overlap with the removed impervious but rather just be in the same catchment area to be considered redevelopment.

C20: Regarding Marangi Solid Waste Facility: A full set of full sized plans should be included in the subsequent SWPPP submissions for review.

R20: Full size drawings have been included in the updated SWPPP.

C21: Regarding Marangi Solid Waste Facility: The erosion and sediment control plan should be revised to show the proposed improvements and grading for the site to ensure that the controls proposed will adequately control erosion and sediment from leaving the site.

R21: Proposed site improvements/grading has been added to the Erosion and Sediment Control Plan in the updated SWPPP.

C22: Regarding Marangi Solid Waste Facility: The erosion and sediment control plan should include proposed soil stockpile locations.

R22: Proposed stockpiling is currently shown along the eastern edge of the site and labeled “Contractor Staging/Stockpiling Area”.

C23: Regarding Marangi Solid Waste Facility: Silt fence or compost filter socks should be located parallel with contours in all areas downslope from the proposed improvements to ensure capture of all runoff from the site.

R23: Silt fence/filter sock has been added in any areas downslope from proposed improvements to capture runoff from all areas of the site in the updated SWPPP.

C24: Regarding Marangi Solid Waste Facility: The erosion and sediment control plan should include a detail for proposed soil stockpiles, as well as a planting/seeding schedule for stabilizing soils.

R24: A detail for soil stockpiles has been added to the erosion and sediment control plan. Planting/seeding information was shown on the landscaping plan and landscaping details sheets provided with the Site Plan and Special Use Permit Application. This information has been included in the updated SWPPP.

C25: Regarding Marangi Solid Waste Facility: The pond cross section detail should be revised to include a forebay.

R25: The pond cross-section detail has been revised as requested and is included in the updated SWPPP.

C26: Regarding Marangi Solid Waste Facility: Based on the plans, it does not appear that the proposed ponds include adequate aquatic and safety benches as per the 2015 SWMDM Chapter 6.1. Please review and adjust accordingly.

R26: In accordance with SWDM Chapter 6.1, a safety bench is not required when upper side slopes are 4:1 (h:v) or flatter. The proposed ponds include aquatic benches as required.

C27: Regarding Marangi Solid Waste Facility: The pond cross section detail depicts an emergency overflow weir, this should also be included on the plan sets as well as in the HydroCAD model.

R27: The emergency overflow weir is set above the 100-yr storm peak elevation and is included for redundancy. Though the weir will not see flow it has been added to the HydroCAD model for clarity in the updated SWPPP.

C28: Regarding Marangi Solid Waste Facility: A detail for the proposed grass swales should be included in the plans.

R28: A detail of the proposed grass swales has been added to the plans for the updated SWPPP.

C29: Regarding Marangi Solid Waste Facility: The bioretention basin detail should include an in depth planting schedule as per the 2015 SWMDM.

R:29: The Bio-retention basin planting schedule was shown on the Landscaping Plan included with the Site Plan and Special Use Permit Application. The planting schedule has been added to the detail for the updated SWPPP.

C30: Regarding Marangi Solid Waste Facility: Deep test pits locations and results should be included in subsequent SWPPP submissions to ensure proper separation from bedrock and groundwater for the proposed ponds and bioretention basin.

R30: The subsurface investigation borehole locations and results have been appended to the updated SWPPP.

C31: Regarding Marangi Solid Waste Facility: The NOI should be revised to contain all available Owner/Operator Information.

R31: The NOI has been updated/revised for the updated SWPPP.

C32: Regarding Marangi Solid Waste Facility: The start and end disturbance dates in the NOI should be revised.

R32: The NOI has been updated/revised.

C33: Regarding Marangi Solid Waste Facility: The provided stormwater calculation sheet states that the total WQv available for each pond is the sum of the permanent pool and forebay, while this is not so. These should be revised to show how the 0.21 ac-ft and 0.27 ac-ft values were achieved for the ponds.

R33: The WQv is provided in the permanent pools and forebays of the ponds. The permanent pool volumes has been added to the HydroCAD models for clarity on the updated SWPPP.

C34: Regarding Marangi Solid Waste Facility: The included calculation sheets should include the depth of the proposed forebays to ensure they are 4-6 feet deep, as per the 2015 SWMDM.

R34: The Pond forebays have a permanent pool depth of 4 feet as required. This information has been added to the calculations in the updated SWPPP.

C35: Regarding Marangi Solid Waste Facility: As per the 2015 SWMDM, pocket ponds should contain a max of 50% of their WQv in extended detention. Revise the proposed ponds to ensure this is met.

R35: The proposed ponds contain 100% WQv in their permanent pools. The permanent pool volumes have been added to the HydroCAD models for clarity.

C36: Regarding Marangi Solid Waste Facility: The NOI states that this is completely new development, yet the WQv calculation sheet states it is partially redevelopment. Revise as necessary.

R36: The NOI has been revised.

C37: Regarding Marangi Solid Waste Facility: As per Chapter 10 of the 2015 SWMDM, in an enhanced phosphorus removal watershed, the WQv should be the total runoff from the 1-year storm event of the proposed condition. By our office's calculations using the proposed HydroCAD report, this would be approximately 0.895 ac-ft. Revise accordingly.

R37: The WQv calculation has been revised accordingly and included in the updated SWPPP. The proposed wet ponds have sufficient volume available to meet the WQv.

C38: Regarding Marangi Solid Waste Facility: As per Chapter 10 of the 2015 SWMDM, the RRv in an enhanced phosphorus removal watershed should be calculated using the 1-year 24 hour storm depth, which according to the provided HydroCAD report is 2.47". Additionally, the RRv uses different variables than the WQv calculation, so multiplying the WQv by 0.2 for the S factor is an improper calculation of the minimum RRv value. Revise accordingly.

R38: The RRv calculation has been revised accordingly and included in the updated SWPPP.

C39: Regarding Marangi Solid Waste Facility: In the bioretention worksheet, the filter time is listed as 1.67 days, while as per the 2015 SWMDM it should be 2.0 days.

R39: Filter time has been revised to 2 days in the updated SWPPP.

C40: Regarding Marangi Solid Waste Facility: In the bioretention worksheet, the average height of ponding is listed as 0.5 ft, but the bioretention basin detail shows the overflow catch basin as being 0.5 ft over the bioretention bed, therefore the average height of ponding would be 0.25 ft. Revise accordingly.

R40: The average height of water has been revised in the updated SWPPP.

C41: Regarding Marangi Solid Waste Facility: As per the 2016 Erosion and Sediment Control Manual, the precipitation values should be gotten from the Cornell Extreme Precipitation database, rather than the NOAA Precipitation Frequency Estimates used. Please revise.

R41: The Cornell Extreme Precipitation database was used in the calculations in the updated SWPPP.

C42: Regarding Marangi Solid Waste Facility: Based on the provided pre-development drainage plan and the existing conditions HydroCAD report, it is the opinion of this office that the pre-development time of concentration should be longer than is shown in the HydroCAD report. Please review and revise as necessary.

R42: The pre-development time of concentration has been re-calculated in the updated SWPPP.

C43: Regarding Marangi Solid Waste Facility:The existing and proposed drainage plans should be revised to include a legend that shows all relevant linetypes, hatches, and objects used in the plan.

R43: A legend has been added to the calculation figures as requested.

C44: Regarding Marangi Solid Waste Facility: The existing and proposed drainage plans should be revised to clearly call out all design drainage points being used.

R44: The calculation figures have been revised as requested.

C45: Regarding Marangi Solid Waste Facility: Based on the provided HydroCAD reports, the model shows that existing conditions drain to one design point, and then in the proposed conditions, there is a second drainage point that received no drainage in the existing conditions. As per the 2015 SWMDM, the post-development flows for the 1-year, 10-year, and 100-year should be below existing condition flows, so if there was no flow in the existing condition, there should be no flow in the proposed condition. Review and revise as necessary.

R45: In both pre- and post-development conditions, the full site ultimately discharges to Monhagen Brook. Due to a limit on the number of available nodes in HydroCAD, the full site was broken into 2 areas (east and west) and modeled separately to simplify the model. The last portion of the HydroCAD report titled “Transfer Station FULL” combines the hydrographs from both areas to generate a combined peak flow to compare against that of the pre-development conditions.

C46: Regarding Marangi Solid Waste Facility: All drainage piping should be included in the proposed HydroCAD model to ensure that their sizing and slope are enough to adequately convey the stormwater off of the site.

R46: Hydraulic modeling for all drainage piping has been included in the updated SWPPP.

C47: Regarding Marangi Solid Waste Facility: As per the 2016 E&SC Manual, grassed waterways should be either parabolic or trapezoidal to prevent erosion. Review the specifications for grassed waterways in the 2016 E&SC Manual and revise the proposed swales as necessary.

R47: Parabolic or trapezoidal grassed waterways were utilized in the updated SWPPP.

C48: Regarding Marangi Solid Waste Facility: The Proposed Detention Pond 2 should be modeled to show the permanent pool volume. As per the 2015 SWMDM, for Pocket Ponds, at

least 50% of the WQv should be stored in the permanent pool, with less than 50% being extended detention. As currently modeled, it appears that 100% of the WQv is extended detention.

R48: Detention Pond 2 was designed to contain 100% of the WQv in the permanent pool. This information has been clarified on the HydroCAD model in the updated SWPPP.

C49: Regarding Marangi Solid Waste Facility: Detention Pond 2's primary outlet should be lowered below the elevation of the permanent pool and should have an emergency drain in case the entire pond needs to be drained. The current outlet is set at the top elevation of the permanent pool.

R49: In the event that Detention Pond 2 needs to be drained for maintenance or other reasons, a gas-powered pump will be used.

C50: Regarding Marangi Solid Waste Facility: Detention Pond 2's volume should be modeled with a surface area at every 1-foot interval to ensure an accurate representation of the provided volume with safety and aquatic benches.

R50: Detention Pond 2's volume is calculated above the permanent pool (above the aquatic bench).

C51: Regarding Marangi Solid Waste Facility: The broad-crested weir should be modeled as a "Device 1" in Detention Pond 2 to accurately represent it exiting the pond through the proposed culvert.

R51: The broad crested weir has been revised to discharge to the proposed culvert in the updated SWPPP.

C52: Regarding Marangi Solid Waste Facility: Detention Pond 2 should have an outlet representing the emergency overflow weir for large storm events.

R52: The emergency overflow weir is set above the 100-yr storm peak elevation and is included for redundancy. Though the weir will not see flow it has been added to the HydroCAD model for clarity.

C53: Regarding Marangi Solid Waste Facility: The HydroCAD report should be revised to include hydrographs for each node.

R53: The HydroCAD report has been revised as requested in the updated SWPPP.

C54: Regarding Marangi Solid Waste Facility: The proposed bioretention basin shows an outlet device of discarded exfiltration. The filtration through the filter bed should be modeled with Darcy's Law using coefficients provided in the 2015 SWMDM, similarly to the calculation used to determine the required area of the practice. This ensure's that the filtration is modeled correctly with the head above the filter bed being the driving force of the water through the media. Additionally, the exfiltration should be modeled as a "Device 1", since the proposed bioretention basin has a liner, the filtered water will enter the perforated pipe and exit through the main culvert, rather than exfiltrating into native soils.

R54: The bio-retention exfiltration calculation and discharge has been revised in the updated SWPPP.

C55: Regarding Marangi Solid Waste Facility: The proposed bioretention basin should model the space provided within the filter media with a 40% porosity value to ensure accuracy of the storage capacity of the model.

R55: The bio-retention storage has been revised in the updated SWPPP.

C56: Regarding Marangi Solid Waste Facility: For the 1-year storm, the bioretention practice should have no flow exit through the orifice/grate, as the 1-year storm acts as the WQv due to the phosphorus removal standards for this project. All of the WQV (1-year storm in this case) should be properly filtered and treated before exiting the practice. Revise as necessary.

R56: The bio-retention basin has been revised as needed to meet the phosphorus removal standards.

C57: Regarding Marangi Solid Waste Facility: The Proposed Detention Pond 1 should be modeled to show the permanent pool volume. As per the 2015 SWMDM, for Pocket Ponds, at least 50% of the WQv should be stored in the permanent pool, with less than 50% being extended detention. As currently modeled, it appears that 100% of the WQv is extended detention.

R57: Detention Pond 1 was designed to contain 100% of the WQv in the permanent pool. This information has been clarified on the HydroCAD model in the updated SWPPP.

C58: Regarding Marangi Solid Waste Facility: Detention Pond 1's primary outlet should be lowered below the elevation of the permanent pool and should have an emergency drain in case the entire pond needs to be drained. The current outlet is set at the top elevation of the permanent pool.

R58: In the event that Detention Pond 1 needs to be drained for maintenance or other reasons, a gas powered pump will be used.

C59: Regarding Marangi Solid Waste Facility: Detention Pond 1's volume should be modeled with a surface area at every 1-foot interval to ensure an accurate representation of the provided volume with safety and aquatic benches.

R59: Detention Pond 1's volume is calculated above the permanent pool (above the aquatic bench).

C60: Regarding Marangi Solid Waste Facility: The proposed overflow weir in Detention Pond 1 should be made larger to ensure non-erosive velocities in large storm events. Additionally, the overflow weir should be modeled as a "Primary" or "Secondary" outlet rather than a "Device 1", as it does not exit the pond through the proposed culvert.

R60: The emergency overflow weir is set above the 100-yr storm peak elevation and is included for redundancy. Though the weir will not see flow it has been added to the HydroCAD model for clarity.

C61: Regarding Marangi Solid Waste Facility: The contributing area to Detention Pond 1 is 5.223 acres, which is larger than the recommended flow to a pocket pond, but smaller than the proposed contributing areas for all other ponds. Review and revise as necessary.

R61: The reduction of flows created by the bioretention basin's storage will reduce the peak flows and total volume contributing to Detention Pond 1. Additionally, Detention Pond 1 is sized over the minimum volumes required.

C62: Regarding Marangi Solid Waste Facility: The Maintenance Agreement and Easement should be included in subsequent SWPPP submissions.

R62: The maintenance agreement and Easement has been included in the updated SWPPP.

C64: A few comments concerned impacts from stormwater runoff on neighboring wells and the potential to cause basement flooding.

R64: Stormwater runoff from the proposed developments has been treated for water quality and quantity as required by the state stormwater permit. Stormwater runoff is prevented from intrusion to potable wells installed in accordance with Department of Health requirements.

The ground absorption rate on the 1128 Dolsontown road property will not be impacted by the proposed developments and the rate of runoff discharging to the wetlands/stream from the Dolsontown East project (which is across Dolsontown Road from the commentors property) will be reduced from existing conditions as required by the stormwater permit. Water is being directed away from the 1128 property towards the wetlands/stream and roadside drainage ditch.

C65: This comment is in regards to the stormwater related discussion on pdf page 12 of 65 of the DGEIS, as well as the overall stormwater provisions contained in Appendices A through E. The DGEIS should address the cumulative impacts of all the proposed facilities. All these projects should be considered a "common plan of development" under the NYSDEC General Permit for Stormwater Discharges from Construction Activities (Construction Permit). Yet the DGEIS presents separate stormwater pollution prevention plans (SWPPPs) for each facility that do not address the cumulative impacts of this coordinated development effort. Indeed, the SWPPP for the Marangi Solid Waste Facility (found in Appendix E) only addresses the solid waste facility proposed for the site, without provisions for the truck maintenance facility. The DGEIS should address the cumulative impacts.

R65: Peak runoff rates for the design storm events at each project site have been effectively mitigated as required by the NYSDEC SPDES Permit. See below for summaries of the reductions at each project site:

MARANGI:

Storm Event	Pre-Development Peak Discharge (cfs)	Post-Development Peak Discharge (cfs)
1	11.72	7.32
10	31.60	19.59
100	68.98	60.14

DEWPOINT NORTH:

Design Point	Storm Events (yr)	Existing (cfs)	Proposed (cfs)	Diff. (cfs)	Percent

DP1	1	3.15	2.43	-0.72	-23%
	10	9.91	9.31	-0.6	-6%
	100	23.46	22.77	-0.69	-3%

DEWPOINT SOUTH:

Design Point	Storm Events (yr)	Existing (cfs)	Proposed (cfs)	Diff. (cfs)	Percent
DP1	1	6.03	4.45	-1.58	-26%
	10	17.57	15.77	-1.8	-10%
	100	40.06	39.68	-0.38	-1%

DOLSONTOWN EAST:

Design Point	Storm Events (yr)	Existing (cfs)	Proposed (cfs)	Diff. (cfs)	Percent
DP1	1	19.5	12.13	-7.37	-38%
	10	65.9	42.35	-23.55	-36%
	100	161.57	143.24	-18.33	-11%

SIMON:

Design Point	Storm Events (yr)	Existing (cfs)	Proposed (cfs)	Diff. (cfs)	Percent
DP1	1	37.93	30.06	-7.87	-20.75%
	10	117.60	114.60	-2.94	-2.50%
	100	276.10	274.81	-1.29	-0.47%

C66: This comment is in regards to the stormwater related discussion on pdf page 12 of 65 of the DGEIS, as well as the overall stormwater provisions provided in Appendices A through E. The DGEIS, by addressing each property as a separate project, relies on standard, site-specific design criteria but does not evaluate the cumulative effects of all these projects on downstream flooding along Monhagen Brook, where the FEMA Flood Insurance Rate Map

(FIRM) illustrates extensive flooding of buildings and roadways within the City of Middletown. Furthermore, it does not address the cumulative impacts of increased runoff on the geomorphic stability of Monhage Brook, which could result in excessive erosion and destruction of habitat. The DGEIS needs to provide further justification and/or calculations demonstrating why it has not included a channel protection volume, designed to discharge the 1-year, 24-hour rainfall event over a 24-hour period, to protect against geomorphic degradation/stream erosion. This should be addressed within the documents.

R66: Peak runoff rates for the design storm events at each project site have been effectively mitigated as required by the NYSDEC SPDES Permit. The sites are meeting the requirements of the stormwater permit, which does not require stormwater runoff volume mitigation.

Although runoff from the sites is eventually to a tributary to the Monhagen Brook in Wawayanda, which flows east and ultimately drains into the Wallkill River, at no point will any stormwater runoff from the project sites enter the City of Middletown. The City limits are just north of the Dewpoint North parcel, at which point the Monhagen Brook is flowing south.

C67: This comment is in regards to the stormwater related discussion on page 12 of 65 of the DGEIS, as well as the overall stormwater provisions contained in Appendices A through E. The DGEIS states that the "increased impervious area associated with Dolsontown roadway widening will be accommodated by providing peak flow detention and water quality treatment", yet it is not clear in the SWPPPs presented in Appendices A through E that this increase will be addressed in the proposed facilities. The peak flow detention and water quality treatment from the Dolsontown Road widening should be addressed within the documents.

R67: Treatment for the increased impervious area of the roadway improvements is proposed to be treated by two (2) stormwater basins; 1 located on the Simon Property and the second on the Marangi property, to which the Town will be granted easement right for the operation & maintenance of the facilities associated with the road improvements. Although the roadway improvement design is currently preliminary, the roadway improvements are anticipated to create roughly ±1.45 acre of new impervious area. A sketch of the proposed treatment of stormwater for the ROW has been included in the FGEIS in Appendix H.

C68: City of Middletown: Pdf page 13 of 65, of the DGEIS, states that there will be "alteration of on-site stormwater runoff patterns, although there will be no increase in the amount and quality will be maintained through the use of NYSDEC stormwater management practices". While these practices are designed to minimize such increases, it would be inappropriate to say that there will be "no increase". The amount and quality of the stormwater increases needs to be quantified and mitigation methods should be addressed within the documents.

R68: A typographical error in the note will be corrected to reflect that “there will be no increase in the peak flows and runoff quality will be mitigated to meet the SPDES permit requirements…”

C69: This comment concerns the overall DGEIS and all appendices. Temporary sediment basins are not listed as a control, but are required for projects of this magnitude. Appendices A through E do discuss using the various sites of post-construction controls as temporary sediment basins, but does not describe how these will be restored following construction to remove accumulated sediment. This should be corrected.

R69: The SWPPP's have been revised to include a section for restoration of sediment ponds following construction. Sediment can be disposed of by exporting it off site for disposal or be used as fill in lawn areas. Sediment ponds located in lawn areas can be pumped dry and filled in. Sediment ponds in paved or structural areas must have the basin material and trapped sediments removed, safety disposed of, and backfilled with structural fill. Sediment ponds in locations of future stormwater ponds must have the trapped sediment removed and properly disposed of leaving the basin area open for development of the final stormwater pond.

C70: The Stormwater Pollution Prevention Plans (SWPPPs) in Appendices A through D state that "enhanced erosion control measures" have been included to address "more than 5 acres of soil disturbance at one time". The SWPPPs should better define what these "enhanced erosion control measures" are and their effectiveness for each site.

R70: The SWPPP's have been revised to include a section discussing enhanced erosion control measures. The enhanced measures are designed in excess of the minimum requirements in the NYS Erosion and Sediment Control Standards and Specifications.

C71: The SWPPP's performed for the project do not incorporate the linear aspects of the project required for improvements within the Dolsontown Road corridor and the Route 17M intersections. The SWPPP should be expanded to incorporate stormwater impacts associated with these proposed improvements once the improvements are modified based on proposed revisions to the Traffic Study.

R71: Treatment for the increased impervious area of the roadway improvements is proposed to be treated by two (2) stormwater basins; 1 located on the Simon Property and the second on the Marangi property.

C72: Several comments related to the Green Infrastructure Site Planning worksheet in the warehouse facility SWPPPs. Specifically, comments concerned why certain of the Green Infrastructure Techniques from the NYS Stormwater Management Design Manual are not being implemented for the sites.

R72: Implementation of every Green Infrastructure Technique is not required. Chapter 5: Green Infrastructure Practices, Section 5.3 – Green Infrastructure Techniques from the NYS Stormwater Management Design Manual states, "This section presents a series of green infrastructure principles and practices that can be incorporated in the site design to allow for micro management of runoff, promote groundwater recharge, increase losses through evapotranspiration and emulate the preconstruction hydrology, resulting in reduced water–quality-treatment volume." In addition, each of the project SWPPPs have tables which identify the reasoning for implementing each measure or not.

The following comments and responses pertain to Dewpoint South:

C73: Table 3 in the SWPPP should be revised to contain the total area of each drainage area.

R73: Table 3 has been revised as requested.

C74: Page 16 of the SWPPP references Chapter 9.4 of the 2015 NYSSWMDM as support that the Hydrodynamic Separator is applicable to this project, however Chapter 9 of the SWMDM is only referencing redevelopment projects, and thus the Hydrodynamic Separator is not an applicable stormwater practice. It may still be used as a pre-treatment practice to the hotspot areas.

R74: Swirl chambers have not been used as a water quality treatment device and are only proposed for pretreatment as applicable. The reference to Chapter 9 of the manual was included to explain rate-based approach for sizing the units, however the reference has been removed from the final SWPPP as requested.

C75: Diversion manholes should be considered for large flows being diverted to the Hydrodynamic Separators for the larger storm events, or confirmation should be included that they can adequately bypass the flows reaching them in large storm events.

R75: The swirl chamber units contain an internal bypass mechanism and the bypass flow capacities are included in the chart within the Hydrodynamic Separator section of the SWPPP "Table 2 First Defense High Capacity Design Criteria" under the 'Peak Online Flow Rate' column.

C76: The Bioretention basins are designed in HydroCAD as having no outlets other than the emergency overflow weirs. They should be revised to include another catch basin outlet structure as shown in the plans. Additionally, it is recommended by this office to add in exfiltration as a primary device rather than to be discarded, to represent the flow of water through the filter to ensure that the WQv is properly filtered without existing the basin via the catch basin outlet. The exfiltration rate should be calculated via Darcy's Law with values given in the 2015 SWMDM.

R76: The only bioretention pond with an orifice outlet on the design submitted to the Town is BIO-2BN which is included in the model. The remainder of the bioretention ponds are designed to flow over the top of the concrete outlet control structure as the primary outlet, with an 'emergency spillway' riprap overflow outlet. Although we believe it is not necessary to model bioretention pond exfiltration and a more conservative design would be to ignore this exfiltration rate in the model, the models have been revised to include this soil media exfiltration rate as suggested.

C77: The pre-treatment isolator rows should not be included in the storage capacity or the exfiltration rate for the infiltration chambers, as their purpose is to settle out sediment and slow the flow of water, rather than exfiltration. Additionally, the pre-treament volume is a minimum of 25% of the WQv depending on the infiltration rate, so with 8 regular rows, there should be a minimum of 2 isolator rows of the same size.

R77: We respectfully disagree with this comment for the following reasons. Pretreatment rows for the subsurface storage systems are an integral part of the system and exactly the same as the other rows with the exception that the isolator row has a layer of filter fabric over the top of the stone layer to provide a barrier between sediment entering the system and the stone storage/infiltration soil below, allowing the sediment to be removed from the rows through surface cleanouts without entirely removing and replacing the stone. Isolator rows are chambers with storage capacity to the roof of the system (and stone above) just like the rest of the system. The stone and infiltration soil below the isolator rows is protected by the filter fabric, as is the purpose of the isolator row, therefore there is no reason to presume this soil would not have infiltration capacity. 100% pretreatment of the water quality volume has been provided through the use of a single isolator row at the location of the inlet pipe since the flow must enter this chamber and pass through the filter fabric before entering the stone void below and transferring to the rest of the system. Although larger storm events may utilize some internal bypass systems should the isolator row become inundated, the pretreatment requirements have been met by providing 100% pretreatment of the water quality volume.

C78: Deep tests and infiltration tests should be performed before the next SWPPP submission to verify required separations of bedrock and groundwater for the infiltration chambers and bioretention basins, and to verify the infiltration rate of the soils.

R78: Stormwater exploration and infiltration testing has been performed and the results of that testing have been attached as an appendix to the revised SWPPP. Infiltration is no longer proposed as part of the revised stormwater design.

C79: The broad-crested overflow weir for the infiltration chambers is missing from the plans, revise accordingly.

R79: The broad crested weir is not missing from the plans submitted to the Town. The weir plate is located within the manhole labeled "MH OCS SUBS" on sheet 4 'GRADING PLAN – SOUTH' and shown on the corresponding detail for the OCS on sheet 13.

C80: The SMPs should be sized so that there is no water exiting without being filtered or exfiltrated in the WQv level storm. As per the HydroCAD report, BIO-1D and the SUBS are releasing untreated water in the WQv at current sizing.

R80: Bioretention ponds have been sized to a minimum or in excess of the required filter area according to the NYSDEC Green Infrastructure sheets for the tributary area. The subsurface chambers are used for detention and release WQv flow which is treated using the Jelly Fish unit. The current design exceeds the requirement for treating the WQv for the impervious areas of new construction. It is not a requirement to reduce 100% of the water quality storm event runoff.

C81: The filled out NOI, NOT, and MS4 Acceptance Forms should be included on subsequent SWPPP submissions.

R81: Appendices of the reports have been included as draft documents for the NOI, NOT, and MS4 acceptance forms. The NOI & MS4 Acceptance forms cannot be executed until a final SWPPP has been developed, accepted by the Town, and filed with the NYSDEC. At such time these appendices will be replaced in the final SWPPP with the executed documents. The NOT cannot be filed until the stormwater permit has been opened and suitable termination of the project permit is sought, at such time the draft NOT included in the SWPPP will be completed and executed through the Town and NYSDEC to terminate the permit.

C82: All erosion and sediment control practices should be within the proposed limit of disturbance area.

R82: The silt fence has been corrected to be inside of the LOD as suggested. The installation of silt sock does not cause soil disturbance and in some cases is proposed behind the silt fence as an additional protective measure. Silt sock is installed on existing grade with no excavation and pinned to the ground using wooden stakes to not cause soil disturbance, and therefore can be shown outside of the LOD.

The following comments and responses pertain to Dewpoint North:

C83: Table 3 in the SWPPP should be revised to contain the total area of each drainage area.

R83: Table 3 has been revised as requested.

C84: Page 16 of the SWPPP references Chapter 9.4 of the 2015 NYSSWMDM as support that the Hydrodynamic Separator is applicable to this project, however Chapter 9 of the SWMDM

is only referencing redevelopment projects, and thus the Hydrodynamic Separator is not an applicable stormwater practice. It may still be used as a pre-treatment practice to the hotspot areas.

R84: Swirl chambers have not been used as a water quality treatment device and are only proposed for pretreatment as applicable. The reference to Chapter 9 of the manual was included to explain rate-based approach for sizing the units, however the reference has been removed from the final SWPPP as requested.

C85: The existing watershed map's time of concentration appears as though it should be longer, revise as necessary to ensure that it is the length of time that it takes for water with the slowest route to reach the design point.

R85: The Time of Concentration (TC) on the existing conditions watershed map is identified as the most hydraulically distant point from the design point which is not necessarily the most physically distant point since coverage and slope are factors in the Time of Concentration. Since the first 100 feet of flow will be sheet flow, the starting point for a TC is typically the most influential to the overall TC. After reviewing the site and other potential TC paths, the TC path selected starts in a wooded flat area which we have determined is the most hydraulically distant point.

C86: The Bioretention basins are designed in HydroCAD as having no primary culvert outlets. They should be revised to include all catch basin and culvert outlet structures as shown in the plans. Additionally, it is recommended by this office to add in exfiltration as a primary device rather than to be discarded, to represent the flow of water through the filter to ensure that the WQv is properly filtered without existing the basin via the catch basin outlet. The exfiltration rate should be calculated via Darcy's Law with values given in the 2015 SWMDM.

R86: Outlet culverts have been modeled in the revised SWPPP. Although we believe it is not necessary to model bioretention pond exfiltration and a more conservative design would be to ignore this exfiltration rate in the model, the model has beenrevised to include this soil media exfiltration rate as suggested.

C87: The pre-treatment isolator rows should not be included in the storage capacity or the exfiltration rate for the infiltration chambers, as their purpose is to settle out sediment and slow the flow of water, rather than exfiltration. Additionally, the pre-treament volume is a minimum of 25% of the WQv depending on the infiltration rate, so with 8 regular rows, there should be a minimum of 2 isolator rows of the same size.

R87: We respectfully disagree with this comment for the following reasons. Pretreatment rows for the subsurface storage systems are an integral part of the system and exactly the same as the other rows with the exception that the isolator row has a layer of filter fabric over the top of the stone layer to provide a barrier between sediment entering the system and the stone storage/infiltration soil below, allowing the sediment to be removed from the rows through surface cleanouts without entirely removing and replacing the stone. Isolator rows are chambers with storage capacity to the roof of the system (and stone above) just like the rest of the system. The stone and infiltration soil below the isolator rows is protected by the filter fabric, as is the purpose of the isolator row, therefore there is no reason to presume this soil would not have infiltration capacity. 100% pretreatment of the water quality volume has been provided through the use of a single isolator row at the location of the inlet pipe since the flow must enter this chamber and pass through the filter fabric before entering the stone void below and transferring to the rest of the system. Although larger storm events may utilize

some internal bypass systems should the isolator row become inundated, the pretreatment requirements have been met by providing 100% pretreatment of the water quality volume.

C88: Deep tests and infiltration tests should be performed before the next SWPPP submission to verify required separations of bedrock and groundwater for the infiltration chambers and bioretention basins, and to verify the infiltration rate of the soils.

R88: Stormwater exploration testing has been performed and the results of that testing has been included as Appendix 15 to the revised SWPPP. The design adheres to the requirements for minimum separation to groundwater and bedrock outlined in the NYS Design Manual. Please note that no stormwater infiltration is proposed for this site.

C89: The broad-crested overflow weir for the infiltration chambers are missing from the plans, revise accordingly.

R89: The outlet control structure detail on sheet 12 of the plans submitted to the Town contains the outlet orifice and weir information.

C90: The SMPs should be sized so that there is no water exiting without being filtered or exfiltrated in the WQv level storm. As per the HydroCAD report, BIO-1B, BIO-1C, BIO-1D, BIO-1G and the SUB are releasing untreated water in the WQv at current sizing.

R90: Bioretention ponds have been sized to a minimum or in excess of the required filter area according to the NYSDEC Green Infrastructure sheets for the tributary area. As described in the SWPPP, the subsurface chamber system is being used for peak detention only, no water quality treatment or infiltration credit is being taken for this system. The current design exceeds the requirement for treating the WQv for the impervious areas of new construction. It is not a requirement to reduce 100% of the water quality storm event runoff.

C91: The filled out NOI, NOT, and MS4 Acceptance Forms should be included on subsequent SWPPP submissions.

R91: Appendices of the reports have been included as draft documents for the NOI, NOT, and MS4 acceptance forms. The NOI & MS4 Acceptance forms cannot be executed until a final SWPPP has been developed, accepted by the Town, and filed with the NYSDEC. At such time these appendices will be replaced in the final SWPPP with the executed documents. The NOT cannot be filed until the stormwater permit has been opened and suitable termination of the project permit is sought, at such time the draft NOT included in the SWPPP will be completed and executed through the Town and NYSDEC to terminate the permit.

C92: All erosion and sediment control practices should be within the proposed limit of disturbance area.

R92: The silt fence has been corrected on the revised plans to be inside of the LOD as suggested. The installation of silt sock does not cause soil disturbance and in some cases is proposed behind the silt fence as an additional protective measure. Silt sock is installed on existing grade with no excavation and pinned to the ground using wooden stakes to not cause soil disturbance therefore can be shown outside of the LOD.

C93: A detail for the proposed silt sock should be include with the erosion & sediment control details.

R93: A detail for the proposed silt sock was included on sheet 6 of the plans submitted to the Town.

The following comments and responses pertain to Dolsontown East:

C94: Table 3 in the SWPPP should be revised to contain the total area of each drainage area.

R94: Table 3 has been revised as requested.

C95: Page 16 of the SWPPP references Chapter 9.4 of the 2015 NYSSWMDM as support that the Hydrodynamic Separator is applicable to this project, however Chapter 9 of the SWMDM is only referencing redevelopment projects, and thus the Hydrodynamic Separator is not an applicable stormwater practice. It may still be used as a pre-treatment practice to the hotspot areas.

R95: Swirl chambers have not been used as a water quality treatment device and are only proposed for pretreatment as applicable. The reference to Chapter 9 of the manual was included to explain rate-based approach for sizing the units, however the reference has been removed from the final SWPPP as requested.

C96: The time of concentration shown for existing conditions on the watershed map and the HydroCAD report do not match, revise as necessary.

R96: The time of concentration typographical error has been corrected in the revised SWPPP so that the map and model now both reflect the correct length of 216 feet.

C97: The Bioretention basins are designed in HydroCAD as having no primary culvert outlets. They should be revised to include all catch basin and culvert outlet structures as shown in the plans. Additionally, it is recommended by this office to add in exfiltration as a primary device rather than to be discarded, to represent the flow of water through the filter to ensure that the WQv is properly filtered without existing the basin via the catch basin outlet. The exfiltration rate should be calculated via Darcy's Law with values given in the 2015 SWMDM.

R97: Outlet culverts have been modeled in the revised SWPPP. Although we believe it is not necessary to model bioretention pond exfiltration and a more conservative design would be to ignore this exfiltration rate in the model, the models have been revised to include this soil media exfiltration rate as suggested.

C98: Finer routing should be used on INFIL 1E HydroCAD output to ensure the exfiltration rates are accurate.

R98: Finer routing is set to 1 which is the recommended value and increasing this value will have no impact on the exfiltration rates within the infiltration ponds. Oscillations of the hydrograph occur due to the large area of the ponds having the capability of infiltrating the entire of volume of water entering the pond during the allotted time step (3 minutes) for low flow scenarios such as the WQv storm or the end of larger storms. Essentially the significance of the oscillation is that water enters, peaks, and is discarded to zero volume prior to the next time step, and impacts of this oscillation of inconsequential to the design.

C99: The pre-treatment isolator rows should not be included in the storage capacity or the exfiltration rate for the infiltration chambers, as their purpose is to settle out sediment and slow the flow of water, rather than exfiltration. Additionally, the pre-treament volume is a minimum of 25% of the WQv depending on the infiltration rate, so with 4 regular rows, there should be a minimum of 1 isolator rows of the same size.

R99: Subsurface chambers are no longer proposed therefore this comment no longer applies.

C100: Deep tests and infiltration tests should be performed before the next SWPPP submission to verify required separations of bedrock and groundwater for the infiltration chambers, infiltration basins, and bioretention basins, and to verify the infiltration rate of the soils.

R100: Stormwater exploration and infiltration testing has been performed and the results of that testing are included as an appendix to the revised SWPPP. The stormwater design has been revised based on the results of this testing.

C101: The SMPs should be sized so that there is no water exiting without being filtered or exfiltrated in the WQv level storm. As per the HydroCAD report, BIO 1A and BIO 2C are releasing untreated water in the WQv at current sizing.

R101: Bioretention ponds are no longer proposed therefore not comment no longer applies..

C102: The NYSDEC worksheets for INFIL 1BE and INFIL 2A state that the basal area is too small to exfiltrate the entire WQv. Revise as necessary.

R102: This comment no longer applies as the design has been modified based on stormwater testing results.

C103: As per the 2015 SWMDM, the maximum contributing area for infiltration basins should be 5.0 acres, unless the soil has an infiltration rate of 5.0 in/hr or higher. Revise as necessary.

R103: This comment no longer applies as the design has been modified based on stormwater testing results.

C104: The filled out NOI, NOT, and MS4 Acceptance Forms should be included on subsequent SWPPP submissions.

R104: Appendices of the reports have been included as draft documents for the NOI, NOT, and MS4 acceptance forms. The NOI & MS4 Acceptance forms cannot be executed until a final SWPPP has been developed, accepted by the Town, and filed with the NYSDEC. At such time these appendices will be replaced in the final SWPPP with the executed documents. The NOT cannot be filed until the stormwater permit has been opened and suitable termination of the project permit is sought, at such time the draft NOT included in the SWPPP will be completed and executed through the Town and NYSDEC to terminate the permit.

C105: Subsequent submissions should be revised to include a hydraulic analysis of the proposed pipe conveyance system to ensure the pipes are adequately sized to pass the 100-year storm event flow.

R105: The stormwater pipes have been sized to safely convey the 25-year storm as is the industry standard. Safe overland conveyance to the basins has been provided for stormwater runoff if the pipes become inundated during larger storm events. Supporting calculations have been provided as an appendix to the SWPPP.

C106: The grading and utility plan should be revised to show all overflow weirs for the proposed stormwater practices.

R106: Outlet control structure rims are indicated on the grading plans and detailed configurations for the orifices are indicated on the details sheet, as applicable..

C107: All plans should include a legend containing all relevant linetypes, objects, and hatches.

R107: A legend has been included on the plans showing typical drawing features, although some site specific design elements may be indicated with a callout on the plans rather than in the legend.

C108: The Swirl separator H-2 appears to be approximately 20 feet deep. Additional guidelines should be included to ensure proper installation, maintenance, and access are provided.

R108: This comment no longer applies.

C109: All erosion and sediment control practices should be within the proposed limit of disturbance area.

R109: The silt fence has been corrected to be inside of the LOD as suggested. The installation of silt sock does not cause soil disturbance and in some cases is proposed behind the silt fence as an additional protective measure. Silt sock is installed on existing grade with no excavation and pinned to the ground using wooden stakes to not cause soil disturbance, and therefore can be shown outside of the LOD.

The following comments and responses pertain to Simon Business Park:

C110: Table 3 in the SWPPP should be revised to contain the total area of each drainage area.

R110: Table 3 in the Simon SWPPP is a comparison of the peak runoff flow during the 1, 10 and 100 Year storm at the design point. The drainage area, travel times and curve number for each watershed can be found in table 1 of the SWPPP. Table 4 regarding WQv calls out the total drainage area and impervious area tributary to each SMP.

C111: In the WQv section of the SWPPP, it mentions pre-treatment practices counting for WQv treatment, but pre-treatment practices can not be counted towards the provided WQv volume.

R111: This comment is inaccurate. In the Water Quality Volume Section of the SWPPP, Below Table 4, the report states "The above table also has not accounted for the water quality volume provided by the pretreatment practices upstream of the SMPs." The water quality volume provided by the Bioretention basins meets the WQv requirements of the permit by themselves. The proposed pretreatment provides greater than the minimum 25% of the WQv, therefore the stormwater design exceeds the WQv requirements of the permit.

C112: If the grass filter strips are not being provided, an alternate pre-treatment practice should be provided, such as a sedimentation basin, pea gravel diaphragm, etc. to ensure that the incoming water does not have an excessive amount of sediment and debris.

R112: Pretreatment for the bioretention basins is provided by a combination of Hydrodynamic separators, the gravel diaphragm and the 3" mulch layer. The hydrodynamic separators have a "rate-based sizing" instead of volume. The Hydrodynamic separators have been sized to pass the peak flow during the Water quality storm event (1.4"). A write up and sizing table has been included with the subsequent submission of the SWPPP.

C113: The existing watershed map uses the pasture land cover for the portion of the time of concentration within the wetland, which appears inaccurate. Revise accordingly.

R113: See response #7. This section of the TC calculation has been removed from the model.

C114: The proposed watershed map should be included in Appendix 1.

R114: The Proposed drainage map was included in the SWPPP as sheet 2 of 2 of Appendix 1. This Map was included in the digital copy submitted to the Town.

C115: The existing HydroCAD report uses Meadow as a land cover, which appears inaccurate. Revise accordingly.

R115: Based on the latest available aerial mapping and site visits, the open area on site appears to be Meadow (continuous grass, protected from grazing, and generally mowed for hay). HSG D meadow has a CN of 78. The only other suitable land uses in TR-55 would be; Open space (good), Row crops (C+CR) or Pasture, grassland or range (good). Each of these options has a higher Curve number (80, 85, 80) than meadow. Therefore, is it our opinion that a change to a different land use would be less conservative. If the reviewing engineer has another land use suggestion, we are open to this discussion.

C116: The existing and proposed HydroCAD reports have a time of concentration line with a slope close to zero within the wetland. In TR-55, reservoirs and lakes should be modeled as having a duration of travel of zero minutes. As this particular portion of the proposed time of concentration is the wetland with close to zero slope, it is the opinion of this office that the travel time for this section should be zero.

R116: The most hydraulically distance point was chosen for the Time of concentration. This area is a wetland, not a reservoir or lake, and should be modeled as such. This comment largely impacts the two existing watersheds and the two proposed watersheds adjacent to the Monhagen brook. It should be noted that making the changes as described will reduce the TC for each watershed, increasing runoff and reducing the mitigation requirements. To address the comment, we have revised our Time of concentration calculation to terminate at the edge of the flat wetland area which is reflected in the revised SWPPP.

C117: The Bioretention basins are designed in HydroCAD as having no primary culvert outlets. They should be revised to include all catch basin and culvert outlet structures as shown in the plans. Additionally, it is recommended by this office to add in exfiltration as a primary device rather than to be discarded, to represent the flow of water through the filter to ensure that the WQv is properly filtered without existing the basin via the catch basin outlet. The exfiltration rate should be calculated via Darcy's Law with values given in the 2015 SWMDM.

R117: The HydroCAD model has been revised to include the outflow culvert into the model. The filtration through the bioretention media has been modeled but not "discarded," instead it is directed to the Primary outlet. This is consistent with the proposed underdrains for each bioretention basin. The Bioretention basin filter media was sized using the New York State DEC Green infrastructure worksheets, supporting calculations are included in appendix 3 of the SWPPP. The design exceeds the water quality volume requirement.

C118: Deep tests should be performed before the next SWPPP submission to verify required separations of bedrock and groundwater for the bioretention basins.

R118: Soil testing has been completed since our initial submission. The Geotechnical exploration report has been included as an appendix to the SWPPP.

C119: The proposed HydroCAD report should include the WQv rainfall event to ensure that the proposed SMPs can properly treat the WQv without the water exiting the practice untreated.

R119: Detaining the entire WQv storm is not a requirement, per pages 6-51 of the New York State design manual "the entire treatment system (including pretreatment) shall be sized to temporarily hold at least 75% of the WQv prior to filtration". SMPs were sized utilizing the New York State DEC Green infrastructure worksheets. Each Bioretention basin has been sized to provide more filter area and volume than the WQv. The WQv storm has been provided in the revised SWPPP.

C120: The NYSDEC worksheets for the bioretention basins show an average height of ponding as 0.5 ft, but since the lowest outlet is 0.5 ft above the bottom of the basin, the average height of ponding should be half of that, or 0.25 ft. Revise accordingly.

R120: The average ponding depth shown on the GI worksheets havebeen revised to match the lowest outlet proposed for each basin. The ponding depths for P-2, P-3, and P-4 were revised to 0.25 feet (3 inches), and ponds P-5 & P-6 utilize 0.33 feet (4"). This change caused the required filter area for each bioretention basin to minorly increase. Updated GI worksheets are included with the revised SWPPP.

C121: The filled out NOI, NOT, and MS4 Acceptance Forms should be included on subsequent SWPPP submissions.

R121: A filled-out Draft of the NOI, NOT, and MS4 acceptance forms have been included in the SWPPP. Please note that some of the information has been left blank as the documents are not ready to be filed. C122: Subsequent submissions should be revised to include a hydraulic analysis of the proposed pipe conveyance system to ensure the pipes are adequately sized to pass the 100-year storm event flow.

R122: The stormwater pipes have been sized to safely convey the 25-year storm as is the industry standard. Safe overland conveyance to the basins has been provided for stormwater runoff if the pipes become inundated during larger storm events. Supporting calculations have been included in the appendix to the revised SWPPP.

C123: The grading plan should be revised to ensure that all proposed contours match up with existing contours.

R123: Comment noted. Grading "tie ins" will be cleaned up for the final site plans.

C124: The underdrain elevations for the bioretention practices shown on the grading plans are incorrect and should be revised.

R124: The callouts of the underdrain inverts have been corrected on the grading plan.

C125: The grading and utility plan should be revised to show all overflow weir elevations and all outlet structure elevations for the proposed stormwater practices.

R125: Elevations and sections of the outlet control structures have been provided on the updated site plan.

The following comments and responses pertain to all of the projects:C126: The sponsor should identify all 100 year and 500 year flood plains in the area. You are proposing to build on an obvious floodplain. It took thousands if not millions of years for the water to meander through the valley and connect to the Wallkill and Hudson Rivers. Middletown has spent money and time repairing the city from damages caused by the Monhagen Brook flooding, we have also spent money correcting the current and flow of the brook as to mitigate the possibility of flooding. You cannot build your facilities in a spot that will cause the City of

Middletown harm by excess water blockages. How will you ensure that the construction will not cause flooding if you haven't included that study properly? You cannot guarantee that with our changing climate, that we won't have major super storms that will cause the brook to flood, and you cannot prove that the risk of building on our floodplains won't increase the likelihood of city wide flooding. We demand you do further investigation into the effects your plans will have on the brook's capacity to withstand your destructive project.

R126: Flooding and erosion impacts are addressed through the design of the Stormwater Collection System per the NYSDEC Stormwater Design Manual and the SPDES General Permit for Stormwater Discharges from Construction Activity. FEMA mapping does not identify any flood zones south of Dolsontown Road for the Brook until it enters the floodplain of the Wallkill River.

C127: The storm water machinery and construction plans are not clear, nor do they seem effective in their theoretical usage. Where would you discharge the water to? Who will regulate the building process and the operations?

R127: Based on the existing site topography the pre-development watershed for the area north of the Transfer and Recycling Facility building which drains to the eastern Wet Pond also discharges to the tributary to Monhagen Brook along the eastern boundary of the project. Therefore, this drainage is not considered diversion of drainage from one watercourse to another.

C128: The provided stormwater management provisions further reflect the need to assess the cumulative impacts of all proposed facilities; instead, they currently outline only separate pollution prevention plans. This proves inadequate when contemplating downstream flooding along Monhagen Brook, identified on the FEMA Flood Insurance Rate Map as an extensive flood site, impacting buildings and roadways within the City of Middletown, as well as the Brook's surrounding habitat. Further, the DGEIS states the nearest surface waterbody is a stream, however, the site plans illustrate that the wet ponds will discharge to wetlands. Additionally, it states the project will not disturb soils within 100 feet of a wetland despite the site plan clearly reflecting that it will. These preliminary inconsistencies are alarming.

R128: At no point does any stormwater runoff from the project sites enter the City of Middletown. Peak runoff rates for the design storm events at each project site have been effectively mitigated as required by the NYSDEC SPDES Permit. The sites are meeting the requirements of the stormwater permit, which does not require or warrant a cumulative impact assessment. Runoff from the sites is eventually to A tributary of the Monhagen Brook in Wawayanda, which flows east and ultimately drains into the Wallkill River. The City limits are just north of the Dewpoint North parcel, at which point the Monhagen Brook is flowing south away from the City. FEMA mapping does not identify any flood zones south of Dolsontown Road for the Brook until it enters the floodplain of the Wallkill River. The NYSDEC defines a waterbody as "rivers, streams, lakes, ponds, vernal pools, and oceans, etc." therefore lacking the presence of any vernal pools within the wetlands, the nearest waterbody is correctly indicated as the stream or Brook. Lastly, the 100 foot regulated adjacent area is associated only with NYSDEC regulated freshwater wetlands, to which no disturbance is proposed on the submitted plans.

Section 15. Leaching/Spills

C1: Regarding the Marangi Solid Waste Facility, the applicant proposes to have one 10,000-gallon and two 5,000-gallon above-ground diesel tanks on the proposed Marangi Solid Waste

Facility site. The applicant should provide a containment system that can hold 110% of the volume of the diesel tanks to contain the diesel fuel, in the event of a fuel spill. This is particularly important due to the fact that an impaired water body, the Monhagen Brook, is located on this site and is almost certainly down-slope from any proposed fuel tanks based on the site's topography.

R1: All of the proposed Facility fuel storage tanks shall include secondary containment per the requirements of 6 NYCRR Part 613 Petroleum Bulk Storage, and 40 CFR 112 Oil Pollution Prevention. The tank secondary containment shall be sized to hold 110% of the volume of each tank. Each tank shall also be registered with the New York State Department of Environmental Conservation Petroleum Bulk Storage Program. A Spill Prevention Control and Countermeasure (SPCC) Plan which describes the measures to be taken to prevent the discharge of oil to natural waters, the response and notification procedure for spills, and the inspection and monitoring procedures for the tanks and secondary containment shall be drafted and certified by a licensed Professional Engineer before the Facility begins operation.

C2: Pdf page 24 of 65 of the DGEIS discusses the Marangi Solid Waste Transfer Station that will include the transfer of municipal solid waste. The transfer of municipal solid waste typically results in leachate generation. A review of the DGEIS and the associated Appendix E does not appear to provide a plan for the dedicated collection and treatment of leachate. Discussion of the leachate quality, quantity and pretreatment, if needed, should be provided within the document.

R2: Wastewater generated at the Transfer and Recycling Facility will be primarily derived from precipitation gathered on trailers, incidental liquid contained within materials received, and floor wash water. Pollutants of concern within the wastewater include total suspended solids, biochemical oxygen demand, oil, and grease. Wastewater within the Transfer and Recycling building shall drain to floor drains connected to double contained gravity drainpipes which will convey the wastewater to a gravity oil-water separator for pre-treatment. The gravity oil-water separator shall separate oil and grease and allow solids to settle from the wastewater. The floor drains within the Transfer and Recycling Building shall also trap solids by setting the drainpipe inverts one foot above the base of the floor drain. The pre-treated wastewater shall then be discharged to a grinder pump and pumped via a force main to the existing sewer line along Dolsontown Road. Wastewater quantity is included in the attached "Full Environmental Assessment Form", revised May 11, 2021, prepared by The Chazen Companies.

C3: In reviewing the Marangi project, there was some concern regarding an aquifer that is just to the East of my house. The concern was about potential contamination of this aquifer due to storm water runoff and general operations at the Marangi facility. Their engineering firm felt that the regulations regarding large aquifers did not apply, because this was a small aquifer; however, this aquifer may be the water source for the homes along the Dolsontown corridor. As such, the Marangi facility should have a number of monitoring wells drilled around the property that are tested periodically to insure that there is no contamination of the aquifer.

R3: The proposed design and operation of the Dom-Mar Transfer and Recycling Facility minimizes the potential for contamination of the sand and gravel recharge area. All waste and recyclable material tipping and sorting activities shall take place within the enclosed building on a reinforced concrete slab. The building floor shall drain to a floor drain system consisting of drop inlets with double contained drainpipe including leak detection risers, clean outs and manholes for maintenance access. The floor drain system shall discharge to a gravity oil water

separator, and then a sanitary grinder pump station to be pumped to the existing sewer line on Dolsontown Road. Recovered hard fill consisting of uncontaminated concrete, asphalt, rock, and brick is proposed to be stored outside of the building. All other waste and recyclable materials shall be stored within the enclosed building.

Full trailers that are loaded too late to deliver waste or recyclable material to a permitted processing facility shall be parked on a covered reinforced concrete pad which will drain to a central catch basin to the Facility floor drain system, the oil water separator, and then the sanitary pump station. Stormwater Runoff from the site shall be collected by swales and catch basins and conveyed to treatment elements including a Bioretention basin and two Wet Ponds designed in accordance with the New York State Stormwater Management Design Manual. The stormwater collection system shall be monitored in accordance with the NYSDEC Multi-Sector General Permit for stormwater discharges from industrial facilities.

C4: Some comments expressed general concerns about potential spills and leaching associated with operations at the Marangi Solid Waste Facility. Specifically, who will ensure that spill management and spill control practices are abided by and what are the consequences if they are not.

R4: All chemicals will be stored properly in a closed container, preferably indoors, and should not be allowed to come into contact with stormwater runoff. All fuel storage tanks shall include secondary containment per the requirements of 6 NYCRR Part 613 Petroleum Bulk Storage, and 40 CFR 112 Oil Pollution Prevention. The tank secondary containment shall be sized to hold 110% of the volume of each tank. Each tank shall also be registered with the New York State Department of Environmental Conservation Petroleum Bulk Storage Program. A Spill Prevention Control and Countermeasure (SPCC) Plan which describes the measures to be taken to prevent the discharge of oil to natural waters, the response and notification procedure for spills, and the inspection and monitoring procedures for the tanks and secondary containment shall be drafted and certified by a licensed Professional Engineer before the Facility begins operation.

Any contaminated soils/materials which may result from construction activities will be contained and cleaned up in accordance with applicable state and federal regulations. Construction materials will be stored in the contractor staging/stockpile area. Any soil stockpiles shall be properly stabilized. A compost filter sock will be placed downgradient of the contractor staging/stockpile area to intercept any runoff from this area.

C5: One comment questioned “who will be overseeing the site superintendent to ensure material management and spill control practices are abided by? What are the repercussions if they are not? Who will enforce this?” and “What punishment/penalties will be given in the case or event of pollution leaks/spills/runoff? What sort of fines etc will be enforced to keep Marangi and RDM to Code, and who will enforce it?”

R5: As an Article 27, Title 7 Solid Waste Management Permit holder and a State Pollution Discharge Elimination System Multi-Sector General Permit holder, the Marangi Solid Waste Facility will receive regulatory oversight by NYSDEC.

Section 16. Site Plans

C1: The Marangi Solid Waste Facility’s drawings do not appear to provide vehicle queuing and may cause backups to the main road, particularly because vehicles will need to wait to dump” and “[i]t is typical for transfer stations to provide dedicated queuing for vehicles. Depending on the expected throughput of activity, transfer station, recycling, and resident drop off, as vehicles

waiting for service can extend out into the main access road. The drawing does not appear to provide dedicated queuing lanes and if queuing is provided in a separate method (circulating around the parking areas for the Truck Maintenance). Please demonstrate that the expected queuing traffic from customers will not impact Dolsontown Road. And if vehicle queuing would impact Dolsontown Road, please provide the expected size and frequency of such impact to inform the extent of improvements to Dolsontown Road as appropriate.

R1: The Transfer and Recycling Facility includes a separate truck access road which is a minimum 36-feet-wide and approximately 370 feet long before the inbound truck scale. The access road width can allow for three traffic lanes. Assuming two inbound lanes approximately 740 feet of travel lane is available before the inbound truck scale. The access road lanes, the inbound truck scale, the four available waste tipping doors and the two transfer bays can accommodate at least 13 collection trucks and 8 transfer trailers, which is greater than the anticipated peak hourly truck traffic for the Facility. The Facility is proposed to operate during the expanded hours of 4:00 am to 7:00 pm to distribute traffic flow as evenly as possible and avoid peak traffic times.

The residential drop off area shall only be open on select dates and times, such as weekend mornings, and shall not be open during peak traffic times. Vehicles to the residential drop off area can be routed to the administrative office parking lot if needed to avoid backing up on Dolsontown Road. Approximately 11 vehicles can be accommodated on the entranceway and within the Residential Drop-Off Area. The administration building parking lot has spaces available for 34 vehicles.

C2: Regarding the Marangi Solid Waste Facility, the applicant should provide a Long EAF, a soil erosion and sediment control plan, a grading and drainage plan, a lighting plan, a landscaping plan, and a visual impact analysis.

R2: A Long EAF, a soil erosion and sediment control plan, a grading and drainage plan, a lighting plan, and a landscaping plan have been provided to the Town of Wawayanda Planning Board as part of the Special Use and Site Plan Permit Application. A stormwater pollution prevention plan including a sediment and erosion control plan is included in Appendix E of the GEIS. A visual impact analysis has been prepared with the other projects in the Dolsontown Corridor and was submitted to the Town of Wawayanda Planning Board.

C3: Concerning the drawings provided on pdf page 4 and 5 of the 654 of Appendix E, there are additional facilities shown on these drawings that are not discussed in the DGEIS in terms of obtaining an industrial Stormwater Multi-Sector Permit. These additional facilities may have activities considered to be industrial and will require control under the Multi-Sector Permit. At a glance, these activities includes the recyclable material storage permit (exposure to stormwater, runon/runoff) and fuel tanks (proper containment facilities). This need should be addressed in the documents.

R3: The recyclable material storage bins shall only store uncontaminated concrete, asphalt, rock, and brick. These materials do not require an asphalt or concrete storage area floor per the NYSDEC Part 360 Solid Waste Management Facility Regulations. The materials are contained and separated by concrete bunkers. Site grading shall prevent run-on stormwater from flowing to the recycling storage area or the fuel tanks. Run-off from these areas are controlled through the stormwater collection system. The recycling storage area, and the fuel tanks has been included in the SWPPP developed for the Multi-Sector General Permit For Stormwater Discharges Associated With Industrial Activity Permit prior to the Facility operation.

C4: In reviewing the DGEIS and attached appendices, the discussion on the proposed structures, does not include the material and color. The document should have this level of information to better inform the citizen of the aesthetic impacts.

R4: The proposed design looks to complement the local streetscape by using the existing topography and heavy screening to minimize its overall view from the public. The structures will utilize a variety of facades, including two story glass curtain walls, projecting walls of a different height and color, and a horizontal brise soleil system. In addition, the longer expanses of walls are punctuated by square windows running around the perimeter. Earth tone colors are proposed for the structure, including dark and light slate grays, consistent with rock outcroppings found in the general area. The Dolsontown Road Viewshed Study includes 3D color renderings along with a material sample sheet outlining the materials and colors on the exterior of the building.

C5: Has a truck turning radius evaluation been completed? There does not appear to be adequate turning radius into all the building proposed.

R5: Truck turn evaluations have been conducted at each of the RDM warehouse sites and the Marangi site. These driveways can effectively accommodate WB-67 trucks as well as Wawayanda fire apparatus as required. Truck turning diagrams for the sites have been included with this response.

C6: The Town should ensure that the proposed driveways for the proposed projects and any active existing driveways are aligned to minimize the potential for traffic conflicts and/or potential vehicular and truck accidents. In some instances, it is not clear where the driveways are located in relation to each other. For instance, the submitted site plans for Dewpoint South and Dewpoint North do not indicate where the driveways are located or proposed on the opposite side of the road. Also, the site plans for the Simon Business Park and Lot 1 of Dolsontown East do not show where the proposed driveways are located on the opposite side of the road.
As a result, it is difficult to determine how vehicles and trucks entering or exiting these driveways would interact. In other instances, the proposed driveways may be located too close to one another and may result in traffic conflicts. For example, the proposed eastern driveway for Lot 1 of the Doslontown East site and the proposed eastern driveway for the Marangi site are opposite eachother, but are staggered by less than 100 feet. Thus, this layout may lead to traffic conflicts and/or accidents.

R6: The driveway locations for the RDM warehouse sites have been meticulously reviewed and selected based on a number of various constraints. In addition to existing/active driveway locations, we considered environmental impacts to minimize wetland disturbances through the sites, earthwork, entrance driveway grades, finished floor elevations, and sight distance lines from new driveways. A traffic study for the corridor has been prepared and roadway improvement plans will add turning lanes for efficient and safe navigation to the proposed driveways while considering the existing driveways along the corridor.
The proposed driveways have been added on the opposing side of the road for the North & South project, and the proposed Marangi driveway locations have been shown on the site plans for East & Simon.

C7: A few comments related to the use of solar panels to provide power to the projects. Specifically, the proposed projects should be designed to allow for installation of solar panels on

the roofs of the buildings to help provide power and reduce the need for power from the grid. The County's existing C-PACE Program could be utilized to finance 100% of the costs of installing roof top solar panels.

R7: The warehouse facility roofs have been designed in accordance with the latest N.Y.S. Building and Energy Codes to support the installation of solar panels in the future.

C8: When you look at the -- when you look at what you handed me, the statement with all the numbers, you got Marangi who doesn't have all of the information. You don't know how much land is being disturbed and how much is being re-vegetated. We don't know how many square foot on the acreage that they purchased they're going to use for their facility. None of that is written. I don't know how you guys can submit a final environmental impact study and leave those informations out. The other four lots have all the information on it.

R8: The Marangi Solid Waste Facility project will disturb approximately 7.1 acres of 44.3 acres overall. The site will contain approximately 4.8 acres of impervious surface. Following disturbances, including regrading, the disturbed project areas shall be revegetated with a proper seed mixture as indicated in the site plans submitted as part of the site plan and special use permit application.

Section 17. Operations

C1: An Article 27, Title 7 Solid Waste Management permit is required for the construction and operations of a transfer station and recycling facility to transfer MSW, C&D, and industrial waste and noted Marangi's permit application was currently under review. The Wawayanda Planning Board commented that the status of the Marangi Solid Waste Permit should be updated and identified numerous notices of incomplete application.

R1: The Dom Mar Transfer and Recycling Facility NYSDEC Part 360 Solid Waste Management Facility permit application is being reviewed by the NYSDEC. Responses have been provided for Notice of Incomplete Application (NOIA) letter dated March 12, 2021, NOIA #2 dated September 21, 2021, and NOIA #2 Supplement dated November 1, 2021. The Town of Wawayanda Planning Board has been copied on all responses to the NYSDEC.

C2: Please confirm the expected capacity of the transfer station. The traffic study by Chazen provided in Appendix E states "The transfer station is proposed to accept and process 950 tons per day of MSW and C&D and also include a 4,000 square foot office building." This capacity is not directly conveyed in the DGEIS and should be noticed but is not. Is the 950 tons per day an assumption or a statement of capacity." Regarding the design capacity and expected throughput, "[t]he DGEIS and associated appendices does not appear to indicate a size of the Solid Waste Transfer Station/Recycling Facility/Resident Drop Off in terms of waste throughput capacity or throughput range. Even though Appendix E provides a throughput capacity of 950 tons for the transfer station on pdf page 416 of 654 to provide a basis of estimate for the traffic volume, transfer facilities generally provide a projection of expected throughput to better inform and support the traffic volume conclusion and roadway design. In addition, the discussion also does not provide whether this transfer tonnage includes the expected activity from recycling, and resident drop off. Please provide greater clarity on the design capacity and the expected throughput for each facility/activity.

R2: The following information has been added to the DGEIS project description regarding the Marangi Transfer and Recycling Facility. The proposed design capacity of the Dom-Mar Transfer and Recycling Facility is 950 tons per day (tpd) as a maximum weekly average. The

material is expected to consist of approximately 600 tons per day of MSW, 40 tons per day of Industrial Waste in similar composition to MSW and C&D, and 310 tons per day of C&D and recyclable materials. The proposed design capacity includes materials for the recycling facility and the Residential Drop-Off Area. The waste throughput is based on a review of readily available information regarding waste generation in the Mid-Hudson and northeast Pennsylvania region, including surrounding transfer stations, and Marangi Disposal's own truck fleet. The Facility layout and capacity is intended to address current market conditions and adapt to meet a variety of future market conditions and opportunities. The acceptance rate also allows for upsets in waste stream generation due to seasonal fluctuation, and the inevitable natural disasters that occur in the Northeast USA which are reported to generate debris volumes equivalent to five to 15 times the normal generation rates.

The Residential Drop-Off Area shall consist of two 30 cubic yard roll off containers, one for MSW, and one for C&D that allows pickup trucks or other single axle trucks to pull up to the roll off and afford relatively easy unloading of approved waste materials. Three eight-cubic yard containers will also be provided for the unloading of unadulterated wood, paper and carboard, and metals. The Area shall be opened and operated at select dates and times, such as weekend mornings with an attendant on duty for proper waste screening. All containers shall be emptied daily when used. A locked gate will block access when the area is not open.

C3: Are the materials that the transfer station will be handling still undecided? The DGEIS states "municipal solid waste (MSW), construction and demolition debris (C&D), and industrial waste (IW) for disposal, sorting and packaging of Old Corrugated Containers (OCC), and simple floor sorting for hardfill, brush, clean wood, and picked metal from the C&D for further processing and recovery. Will this facility take in any type of waste as listed herein or is this a generic statement to provide flexibility in what may be accepted if this project were to move forward?"]. The discussion of the materials to be handled appears to always include MSW, but not always C&D, recycling, or likely, wood waste. Several conclusions of the subsequent studies regarding the infrastructure improvements (water, wastewater, stormwater, traffic) to support the Marangi Solid Waste Management Facility do not appear to share the same or consistent project assumptions on material handling. This should be addressed. Potable water demand, fire water demand, stormwater system, and wastewater characteristic and volume, and traffic characteristics are different based on the material handling and its associated throughput. It is typical to provide engineered systems to have a separate collection system for leachate from MSW in conjunction with pretreatment or a pump and haul system. If the system is to handle only white goods (typically recycling), such engineered provisions for leachate may not be required. Similarly, if the transfer station is to only accept commercial loads, then impact to traffic would be significantly different from a system that accepts both residential and commercial. Fire water demand for a MSW dedicated transfer station may require a separate dedicated pump system (which does not appear to be provided) to provide the necessary fire suppression while a system that only receives metals may be exempted. Noise and odor are also dependent on the material and throughput. Please provide clarity of the assumptions used that support the resulting conclusions on the environmental impact.

R3: As described in the Scoping Document for the GEIS, a GEIS may be broader and more general than site or project specific EIS's. The Dolsontown Road Corridor GEIS is intended to give general broad information regarding the projects along the Dolsontown Road Corridor and their common, cumulative impacts. The proposed Facility shall accept Municipal Solid Waste (MSW), Construction and Demolition Debris (C&D), Industrial Waste that is a similar composition to MSW or C&D, and recyclable materials. The Facility has been designed to be flexible and adaptable to accept a variety of recyclable materials to meet current and future

recycling initiatives. The recyclable materials proposed to be accepted include Old Corrugated Cardboard (OCC), Source Separated Recyclables (SSR), Source Separated Organics (SSO), unadulterated wood, metals, concrete/asphalt/brick/rock, electronic waste/product stewardship items, and tires (less than 1,000 stored on site). The Facility shall not accept medical or hazardous wastes, friable asbestos, liquids or septage, or any other unauthorized materials.

The associated Facility infrastructure improvements Including water, wastewater, storm water and traffic are consistent with the materials to be accepted at the proposed Facility. As previously discussed, leachate from MSW, as well as the C&D, IW, and recyclable materials shall drain to floor drains within the enclosed Transfer and Recycling Facility building and be treated by a gravity oil- water separator prior to being pumped to the existing sewer line on Dolsontown Road. Traffic to and from the Transfer Station is based in part on Marangi Disposal's own collection truck fleet and is consistent with collection trucks and transfer trailers typically utilized for the proposed materials to be accepted by the Facility.

A fire hydrant is proposed north of the Transfer and Recycling Building. The Transfer and Recycling building shall be equipped with a dry chemical fire suppression system. Noise and odor impacts considered the materials to be accepted at the Facility.

C4: The Marangi Solid Waste Facility discusses utilization of a residential drop off facility and it does not appear that a capacity is provided for such facility.

R4: The Residential Drop-Off Area shall consist of two 30 cubic yard roll off containers, one for MSW, and one for C&D that allows pickup trucks or other single axle trucks to pull up to the roll off and afford relatively easy unloading of approved waste materials to the roll-offs. Three eight-cubic yard containers will also be provided for the unloading of unadulterated wood, paper and carboard, and metals. The Area shall be opened and operated at select times and dates such as weekend mornings with an attendant on duty for proper waste screening. All containers shall be emptied daily when used.

C5: Was the Marangi facility's expected throughput projected based on the surrounding transfer stations?

R5: The waste throughput is based on a review of readily available information regarding waste generation in the Mid-Hudson and northeast Pennsylvania region, including surrounding transfer stations. The Facility layout and capacity is intended to address current market conditions and adapt to meet a variety of future market conditions and opportunities. The acceptance rate also allows for upsets in waste stream generation due to seasonal fluctuation, and the inevitable natural disasters that occur in the Northeast USA which are reported to generate debris volumes equivalent to five to 15 times the normal generation rates.

C6: The Town should ensure that the proposed projects will not result in pollution of the sand and gravel recharge area, which is located on SBLs 1-1-52.1, 4-1-50.2, 4-1-50.32, 6-1-3.2, 6-1-3.32, 6-1-90.1, and 6-1-107. Particular attention should be paid to the sand and gravel recharge are located on SBL 6-1-3.32 due to the potential for contamination from the proposed Marangi Solid Waste Facility.

R6: The proposed design and operation of the Dom-Mar Transfer and Recycling Facility minimizes the potential for contamination of the sand and gravel recharge area. All waste and recyclable material tipping and sorting activities shall take place within the enclosed building

on a reinforced concrete slab. The building floor shall drain to a floor drain system consisting of drop inlets with double contained drainpipe including leak detection risers, clean outs and manholes for maintenance access. The floor drain system shall discharge to a gravity oil-water separator, and then a sanitary grinder pump station to be pumped to the existing sewer line on Dolsontown Road. Recovered hard fill consisting of uncontaminated concrete, asphalt, rock, and brick is proposed to be stored outside of the building. All other waste and recyclable materials shall be stored within the enclosed building.

Full trailers that are loaded too late to deliver waste or recyclable material to a permitted processing facility shall be parked on a covered reinforced concrete pad which will drain to a central catch basin to the Facility floor drain system, the oil-water separator, and then the sanitary pump station. Stormwater Runoff from the site shall be collected by swales and catch basins and conveyed to treatment elements including a bioretention basin and two wet ponds designed in accordance with the New York State Stormwater Management Design Manual.

C7: A number of comments expressed concerns about the Marangi project's proximity to the Monhagen Brook, which is a 303(d) impaired water body. Specific concerns include the potential for the Monhagen Brook to become further polluted due to anticipated activities at the project sites. All collected solid wastes and recyclables should be stored strictly indoors and any future pest control for this site should minimize the potential to further pollute the Monhagen Brook.

R7: The proposed design and operation of the Dom-Mar Transfer and Recycling Facility in accordance with the Town of Wawayanda Solid Waste and the New York State Department of Environmental Conservation Part 360 requirements shall minimize the potential for pollution to Monhagen Brook. All waste and recyclable material tipping and sorting activities will take place within the enclosed building on a reinforced concrete slab floor. The floor drain system shall discharge to an oil-water separator, and then a sanitary grinder pump station to be pumped to the existing sewer line on Dolsontown Road. Recovered hard fill consisting of uncontaminated concrete, asphalt, rock, and brick is proposed to be stored outside of the building. All other waste and recyclable materials shall be stored within the enclosed building.

Wastes shall be handled in a manner that will reduce the attraction of pests to the Facility. The tipping floor shall be swept daily, and storage areas shall be swept weekly. Any rodenticide if needed will be applied by a New York certified commercial pesticide applicator.

C8: On pdf page 14 of 65 of the DGEIS, under the subheading, "Irreversible and Irretrievable Commitment of Resources", has the following statement about the Marangi project site where "… .a SF fabrication shop" [sic] is proposed. The DGEIS needs to explain what will be fabricated, whether this fabrication operation is exposed to stormwater, and if it is subject to the Multi-Sector Permit

R8: The Fabrication Shop shall be in support of the Truck Maintenance Facility and would be used to maintain and repair the collection truck fleet. The fabrication operation will take place within a fully enclosed building and not be exposed to stormwater. The Facility shall be included in the SWPPP drafted for the Full Build Out Plan if full development of the site occurs.

C9: On pdf page 14 of 65 of the DGEIS, the sentence referenced in the previous comment also mentions that the site will contain "driveways and drop-off areas, … a truck maintenance ship [Sic], … fueling station, and roll-off storage area ". Review of site plans in Appendix E do not show any features, required under the Multi-Sector Permit, to prevent exposure of these industrial activities to stormwater, segment runoff from these areas away from general site

runoff, or otherwise prevent pollutant discharges, particularly illicit discharges. These measures should be addressed in the DGEIS and the SWPPPs."

R9: The Truck Maintenance Shop, Fueling Station and Roll-off storage area are part of the Conceptual Full Buildout Plan. This Plan was developed to assess the potential environmental impacts of the full development of the site as requested by the Town Planning Board. The pollution prevention features and stormwater controls for the Full Build Out Plan shall be developed if full development of the site occurs. The stormwater controls for the Transfer and Recycling Facility have been addressed in the previous comments and shall be included in the SWPPP developed for the Multi-Sector General Permit For Stormwater Discharges Associated With Industrial Activity Permit prior to the Facility operation.

C10: What size/type/weight of trucks will be entering and leaving the Marangi Solid Waste Management Facility? Trucks going through a Solid Waste Management Facility, a warehouse in this instance, are not equivalent to the system of trucks expected at a warehouse with loading docks. Based on a review of the traffic study in both Appendix E and Appendix F, this information appears to be absent and should be provided.

R10: The inbound collection trucks entering and leaving the proposed Facility shall consist of Roll-off container trucks, and front and rear packer trucks with an average capacity of 12 tons per load, and a length of 35 feet. The outbound transfer trucks entering and leaving the proposed Facility shall consist of tractor trailers with 53-foot-long walking floor transfer trailers with an average capacity of 22 tons per load.

C11: I expect that during construction, all of the projects on the Downtown Corridor will be required to employ a tire wash station to keep construction vehicles from tracking dirty and derbies onto Dolsontown road. Marangi should be required to keep using it as part of their normal operations to prevent the garbage trucks from dragging the "funk" out of the facility and onto Dolsontown road.

R11: For the RDM warehouse projects – the erosion control plans indicate a stone tracking pad to be installed at all construction entrances. As part of the SPDES permit the contractor will be required to keep rights-of-way free of debris during construction and can implement means & methods suitable to ensure this condition is met as needed. this requirement will be enforced during routine SWPPP inspections by the qualified inspector and by the MS4 authority for the Town. For the Marangi facility, no tire wash is proposed during construction of the facility. A stabilized construction entrance consisting of a stabilized layer of large aggregate shall be installed to prevent soil and sediment from being tracked out onto the roadway. Daily inspections shall check for litter at the Transfer and Recycling Facility to prevent fugitive litter from leaving the site. The tipping floor shall be swept and cleaned daily.

C12: In the Marangi project traffic study, I found reference to their hours of operation: 7:00am to 5:00pm. I could find no reference to hours of operation for the Dolsontown East project. Judging from the size of the facility, they will most likely be running 3 shifts and operating continuously, 24 hours per day. Because of this, the evening and overnight noise, light and truck operations related to the normal activities of a business of this type have me quite concerned.

R12: It is likely that the facility will be running 3 shifts and operating continuously, however noise impacts for the Dolsontown Road corridor have been analyzed and are primarily influenced by vehicular traffic along Dolsontown Road as well background highway noise on I-84. In order to mitigate increased noise levels, as part of the final Site Plan review for the

Dolsontown Road East project could if desired by the Town include a noise wall coupled with plantings between the Dolsontown Road East property and the 1128 Dolsontown Road property.

C13: They further should disclose all chemicals and materials stored at the site, and identify all potential contaminants in their effluent and discharge waters. The Town should also identify all proposed to monitor the storage and containment of potential toxic materials and also identify fines and penalties for any violations of these protocols.

R13: All chemicals will be stored properly in a closed container, preferably indoors, and will not be allowed to come into contact with stormwater runoff. All fuel storage tanks shall include secondary containment per the requirements of 6 NYCRR Part 613 Petroleum Bulk Storage, and 40 CFR 112 Oil Pollution Prevention. The tank secondary containment shall be sized to hold 110% of the volume of each tank. Each tank shall also be registered with the New York State Department of Environmental Conservation Petroleum Bulk Storage Program. A Spill Prevention Control and Countermeasure (SPCC) Plan which describes the measures to be taken to prevent the discharge of oil to natural waters, the response and notification procedure for spills, and the inspection and monitoring procedures for the tanks and secondary containment shall be drafted and certified by a licensed Professional Engineer before the Facility begins operation.

Any contaminated soils/materials which may result from construction activities will be contained and cleaned up in accordance with applicable state and federal regulations. Construction materials will be stored in the contractor staging/stockpile area. Any soil stockpiles shall be properly stabilized. A compost filter sock will be placed downgradient of the contractor staging/stockpile area to intercept any runoff from this area.

Wastewater generated at the Transfer and Recycling Facility will be primarily derived from precipitation gathered on trailers, incidental liquid contained within materials received, and floor wash water. Pollutants of concern within the wastewater include total suspended solids, biochemical oxygen demand, oil, and grease.

C14: A few comments suggested that residents of the surrounding areas, including Middletown, should receive free garbage dump off.

R14: Comment noted.

Section 18. Process

C1: Several comments included concerns about whether proper notice of these projects was given to neighboring properties, towns, and interested parties.

R1: The SEQRA regulations require the lead agency to prepare, file and publish a notice of completion of the draft EIS once it has determined that a draft EIS prepared by a project sponsor is adequate for public review. NYCRR 617.9(a)(3). In addition, it must prepare and file a notice of hearing and publish it at least 14 calendar days in advance of the public hearing, in a newspaper of general circulation in the area of the potential impacts of the action.

The Planning Board circulated a combined Notice of Completion and Notice of Hearing for the DGEIS and made it available for public review at the Wawayanda Town Hall on May 19, 2022. A public hearing date was set by resolution for June 8, 2022. In addition, the Planning Board published the combined notice in the Times Herald Record on Sunday, May 22, 2022. Finally,

a Notice of Acceptance of Draft GEIS and Public Hearing was published in NYSDEC's Environmental Notice Bulletin on May 25, 2022.

In addition, the Wawayanda Town Code requires that the Planning Board give public notice of a hearing for a special use permit or site plan approval at least five days prior to the hearing in a newspaper of general circulation in the Town and that the applicant cause the public hearing notice to be delivered via certified mail, return receipt requested, to all record owners of property within 500 feet of the property boundaries. The record owners for the certified mailing must be obtained from the latest Town of Wawayanda tax rolls.

The applicant sent copies of the combined notice via certified mail to all record owners of property within 500 feet of each project's property boundary on May 19, 2022. Copies of the certified mail receipts and return receipts were delivered to the Planning Board at the commencement of the public hearing on June 8, 2022.

C2: Project sponsors must conduct a cumulative analysis including all past present and projects in the forseeable future including but not limited to the CPV Plant, Schoonmaker Plant, and the Revere Smelting plant. The Cumulative analysis should evaluate air quality, traffic, environmental resources (impacts the aquatic resources, surface and ground water, endangered species habitat, and wildlife)

R2: Pursuant to 6 NYCRR 617.10 (e), agencies should address, "in more general or conceptual terms, the cumulative impacts on the environment and the existing natural resource base of subsequent phases of a larger project or series of projects that may be developed in the future." The analysis of potential significant adverse environmental impacts in the FGEIS includes such cumulative analysis.

C3: Some comments state that an alternatives analysis must be included in the DGEIS.

R3: An alternatives analysis was included in Chapter 1 of the DGEIS under the heading *Alternatives to Proposed Action*, which includes analysis of a no-build scenario, other intensive nonresidential developments, and alternative site layouts.

C4: The Orange County Agricultural and Farmland Protection Board (AFPB) is writing asking that the Town of Wawayanda's Planning Board do its due diligence in taking notice of the natural, cultural and recreational resources in the Dolsontown Road Corridor while reviewing the Draft Generic Environmental Impact Statement (DGEIS) for this project. The Planning Board should carefully consider the impacts of the proposed projects proposed in this corridor on the Monhagen Brook, which is a meandering stream that has been around for several generations, and the wildlife living in this area. Your careful consideration of this project is greatly appreciated.

R4: The Planning Board will issue a written findings statement that will "(1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS; (2) weigh and balance relevant environmental impacts with social, economic and other considerations; (3) provide a rationale for the agency's decision; (4) certify that the requirements of [SEQRA] have been met; and (5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable" as required by SEQRA.

C5: The proposed development area in general and specifically the Marangi waste-treatment facility lies in close proximity to critical environmental resources, including but not limited to critical federal and state wetlands, endangered species habitat, farmland, The Heritage Trail, existing flood plains, The Monhagen Creek, The Wallkill River, archeological resources, historic sites, migratory bird habitats, aquatic resources, vegetation, and wildlife; along with several residential communities, environmental justice communities, and apartment complexes. Both because of the sensitivity of the environmental resources requiring in depth analysis and surveys, and the high population density in the Dolsontown corridor, a vast majority of whom are still unaware of this project, the comment period should be extended by at least 60 days to. This would give members of the public to comment on the many critical resources that may be impacted by these projects as well as on their own person impacts.

R5: The Planning Board's SEQRA public participation on this project has been robust. The Planning Board opted to hold two public hearing (both of which are optional under SEQRA) and held the comment period open for a total of 67 days (where only 30 are required under SEQRA). Moreover, the Planning Board will be allowing for additional comment on the underlying site plan and special use applications by keeping those hearings open. Finally, prior to making SEQRA findings, the Planning Board will afford both the agencies and the public a reasonable time period to consider the final EIS, pursuant to 6 NYCRR 617.11(a). Therefore, public participation has been robust and additional review and comment opportunities remain.

C6: One commenter suggested that the Marangi Solid Waste Facility analysis should be separated from the warehouse projects.

R6: Because there were several commercial/industrial projects being considered along the Dolsontown Corridor, including in excess of 1 million square feet warehouse/distribution space (in addition to approximately 241,000 square feet of recently approved warehouse/distribution space) as well as a solid waste facility, the Planning Board determined that, considered together, the projects may have significant cumulative common impacts on shared infrastructure, including the roadway system, water and sewer infrastructure, stormwater discharges, the potential presence of threatened or endangered species and the potential presence of important historical and archeological resources. Accordingly, preparation of a GEIS was appropriate in order to assess the potential impacts of the proposed projects as well as potential future development along the Dolsontown Corridor.

C7: One commenter asked why the warehouse development planned for 1081 Dolsontown Road was not included in the DGEIS.

R7: Environmental review of the warehouse project taking place at 1081 Dolsontown Road was completed and a negative declaration was issued by the Planning Board on April 14, 2021.

C8: One commenter questioned why the Dolsontown Corridor project applicants are comprised of 6 different LLCs.

R8: The project applicants correspond to either the owners or contract purchasers of the parcels proposed for development.

C9: The City of Middletown was not included in the Town of Wawayanda Planning Board Minutes list of "Involved and Interested Agencies" to be notified of the project, even though Middletown residents will bear the brunt of the health, traffic, and environmental impacts. While this is not Middletown's land, it is a SHARED BORDER, and the 33,000 residents of the

City of Middletown deserve a say in this project as they will be the ones most greatly effected by it.

R9: The City of Middletown was listed as an interested agency in the scoping document adopted December 8, 2021 and was included in the circulation of the DGEIS and all related notices.

C10: The Town of Wawayanda and the applicant should coordinate with the City of Middletown and the Town of Wallkill regarding the proposed projects, as it is likely that these developments will have an impact on these neighboring communities.

R10: The City of Middletown and the Town of Wallkill are interested agencies pursuant to 6 NYCRR 617.2(u): "an interested agency means an agency that lacks the jurisdiction to fund, approve or directly undertake an action but wishes to participate in the review process because of its specific expertise or concern about the proposed action." An interested agency has the same ability to participate in the review process as a member of the public, but cannot formally be an involved agency as defined under 617.2(t). Accordingly, Middletown and Wallkill were included in the circulation of the original scoping document adopted December 8, 2021 and the DGEIS accepted April 27, 2022. They will also be afforded a reasonable time period to consider the final EIS, pursuant to 6 NYCRR 617.11(a).

C11: The town code has the words UPON PLANNING BOARD APPROVAL for certain types of development because if their is such a public outcry by the residents of that specific township (in this case wawayanda) the board reserves the right to deny and vote down the project as serving in the best interests of the residents that live within the area.

R11: Comment noted.

C12: The five plots encompassed in this proposal - Dewpoint North, Dewpoint South, Dolsontown East, Simon Business Park, and Dom-Mar Transfer & Recycling Facility - should be assessed individually and as a combined development, to ensure understanding of and adequate planning for their full scope. Reference to and interchangeable use of the term "development" throughout the report, without distinguishing which properties are being cited, that of other nearby proposed developments, or one of the five DGEIS properties, requires clarity. These crucial elements alone are reason enough to reject the current proposal on the merits of uncertainty and unaccountability

R12: The DGEIS assessed the potential significant environmental impacts of the projects both individually and collectively. Where appropriate, the term "development" has been pluralized in the FGEIS. Please see the discussion in R6 regarding the decision to review the cumulative common impacts on shared infrastructure, including the roadway system, water and sewer infrastructure, stormwater discharges, the potential presence of threatened or endangered species and the potential presence of important historical and archeological resources.

C13: I also would ask the Board, have you read 463 pages of the traffic study alone? Then 693 pages of A through G? That is your responsibility to do, sad as it is and as long as it is and as complicated as that is.

R13: Comment noted.

C14: I would strongly suggest, or urge if you will, to reconsider and look a little deeper into the traffic, air quality, environmental, cultural, historical concerns that many of the people have raised here.

R14: Comment noted.

C15: Senator Skoufis appreciates the massive undertaking that you folks have in front of you and the important role that you have in this process. We would just encourage you to continue listening, which it seems like you are with extending the public comment period.

R15: Comment noted.

Section 19. Consideration of Alternative Locations

C1: A few comments questioned the location of the proposed projects and questioned why the applicants have not identified alternative sites.

R1: The original scoping document adopted December 8, 2021 contemplated a section on "Alternatives to Proposed Action including the mandatory no build alternative." Such alternatives were analyzed in Chapter 1 of the DGEIS. In addition to a no-build alternative, an "other intensive nonresidential developments" alternative was analyzed, as well as alternative layouts at the sites. Alternative *locations* to the project site were not contemplated in the original scope, and therefore were not analyzed in the DGEIS. See also Section 2 Comments 2 and 3.

C2: Several comments urged the Town to coordinate with the Orange County Department of Public Works to extend the hours of the existing County Transfer Station as an alternative to approving the Marangi Solid Waste Facility.

R2: Comment noted.

C3: I forgot to mention last time that the Medline warehouse on Route 6, they left. That's a pretty huge warehouse. I was wondering if anybody thought to use that instead, because that's not farmland? There's not residential houses right around it. It's across the street from it. It's very industrial now, anyway. Route 6 is a New York State highway. It might be better suited for handling the 500garbage trucks that are going to be on it daily rather than Dolsontown Road. Medline had a PILOT program I believe. It was ten years. They left after nine and-a-half years. I don't know if the Town ever collected anything from them before they left or what the plan is there. I would highly suggest, since it's already built up and it's a State route there, that maybe you could suggest moving the project there. It's a fairly big size. It might even fit all their plans.

R3: Comment noted.

C4: Your own employees told me Sullivan County is a better location. So you got options. We've offered you tons of options.

R4: Comment noted.

Section 20. General Opposition to Dolsontown Corridor Projects

C1: I am writing to request that the Town of Wawayanda Planning Board extend the comment period for the Marangi project. I will be impacted by this project as I live in the area and/or I use the Dolsontown Road corridor. I just found out about the project recently and want to participate in this process. I would like to become an intervenor in this process.

R1: Comment noted. See also Section 18 Comment 1.

C2: Some comments voiced general opposition to the Marangi Solid Waste Facility and Warehouse projects, including the proposed location.

R2: Comment noted.

C3: Some commenters proposed that the Dolsontown Corridor properties be bought back by either the County, the Town, the Land Trust, or a combination to protect the land and deem it a wildlife preserve and historical preserve.

R3: Comment noted. See also Section 2 Comments 2 and 3.

C4: I can tell you firsthand if you want to bring money to the area, you have to protect it. You have to preserve it. You have to lift it up and share it with the people, because that's what they come here for.

R4: Comment noted.

C5: None of us have forgotten about the Percoco scandal. That brings me to the company that did the DGEIS. Is that what it is? Whiteman, Osterman & Hanna. Their employee was implicated in the corruption. Todd Hough who worked for them was convicted of participating in the corruption scheme. He created the corruption scheme. Now you're relying on the same company to do more environmental reviews in this area. I mean that doesn't make any sense. Are we rewarding corruption, because it's absolutely impossible that the company did not know about this bribery scheme. It spans what, 5, 6 years.

R5: Comment noted.

C6: We started a petition against this project because we feel in this time in our lives, to destroy a natural ecosystem that holds so much value on its own to put warehouses and a garbage station that nobody wants in their neighborhood is irresponsible, it's immoral and it's unethical.

R6: Comment noted.

C7: The property in the proposal is a beautiful green living space. I see such potential for supporting farming and related programs to bring back a farming culture to our area of Orange County. I recently attended a lecture on farming and the guest speaker strongly felt that this part of Orange County could be another NAPA Valley. Let's be progressive here . Let's encourage young families to settle here and bring there entrepreneurial dreams to FRUITION.

R7: Comment noted.

C8: I think that at the very least you guys owe a response to 1,500 members of your community who do not want this project there at all. We're not looking to like negotiate the semantics. We don't want it. The City of Middletown doesn't want it. You've got legislators involved that don't want it.

R8: The issues raised in the Soulstainable petition have been addressed throughout this chapter. See *Soulstainable Petitioners* in Section C.

C9: We're trying to keep green spaces. We're trying to lower our energy use as a State. It makes no sense what you're doing. There's a thousand better spots that you could put something like this. We don't have a problem with Marangi having another transfer station. If you need one, so be it. But I also warn you that talk within the County is that eventually they're going to

sell the County properties, too. So when all of the County dumps get bought by a bigger corporation, a much bigger garbage station than you guys, your competition is going to be blown away. Not to mention the fact that the County has now reduced their employees from twelve people on a shift at the transfer station to five people on a shift at the transfer station. So as a community you should be looking to mitigate the problem. These guys need a space to go. The County is not doing anything to meet the requirements of the already existing trash. We don't need another transfer station. We need the Orange County dump to do a better job, which would be, you know, crucial. The municipalities should look into these sorts of things before they just take proposals from private companies that want to decimate wetlands.

R9: Comment noted.

C10: I don't know how many times organizations got to come up here and tell you guys to stop ruining the planet. Especially if you guys want this in Wawayanda, put it out in the middle near your houses. The Town of Wawayanda is not dealing with this. The Town of Wawayanda is not dealing with CPV. It's Middletown. We're getting all of it. Anybody knows that. The reason that you stuffed it all in that little corner is because you don't want to deal with it in your backyard. How is your Airbnb going to do when there's a power plant next to it? Not well. People don't want to come up here for that. Who wants to come up here for that? You've got the chance to make this a place that people want to come to. This place is a place that people are moving to rapidly. You could put apartment buildings up there, and a lot up there, and make more money than you would putting in a warehouse or a garbage transfer station.

R10: Comment noted.

C11: The County garbage transfer station, that's the only way that the County profits. Their other services don't generate income. Orange County makes money off of trash. You're taking more money away from the County.

R11 Comment noted.

C12: I've spoken with many people from-- everyone from Port Jervis, Greenville, Middletown, Scotchtown, all the way up and down Orange County, you know, Warwick, Pine Island. Anybody who comes and drives on that road doesn't actually want this that I've spoken to. I have not met a single person who actually approves this and says oh, yeah, that's a great idea, we should totally do that.

R12: Comment noted.

C13: I would like to point out that the conflict of interest between the people doing the studies and the companies involved, I really feel like certain other projects, including CPV of course, there was a negligence in regards to the environmental impact, air quality impact.

R13: Comment noted.

C. List of Commenters on DGEIS

Abrahim, Omar: Written comments dated July 24, 2022, Section 20 Comment 1

Albert, Jared: Written comments dated July 25, 2022, Section 20 Comment 1

Albertson, Alicia: Written comments dated July 13, 2022, Section 20 Comment 2

Albertson, George: Written comments dated July 13, 2022, Section 20 Comment 2

Allen, Mia: Oral testimony dated June 8, 2022, Section 20 Comment 4

Alvarenga, Lorena: Written comments dated July 22, 2022, Section 20 Comment 2; Written comments dated July 24, 2022, Section 20 Comment 1

Amarosa, Ashley: Written comments dated July 24, 2022, Section 20 Comment 1

Andreozzi, Mary: Written comments dated July 24, 2022, Section 20 Comment 1

Anna-Marie: Written comments dated July 25, 2022, Section 20 Comment 2

Atwood, Meg: Written comments dated July 25, 2022, Section 20 Comment 1

Aurandt, Elizabeth: Written comments dated July 24, 2022, Section 20 Comment 1

Baker, Kasey: Written comments dated July 24, 2022, Section 20 Comment 1

Bart, Theresa: Written comments dated July 24, 2022, Section 20 Comment 1

Bastiano, Patricia: Written comments dated July 24, 2022, Section 20 Comment 1

Bauernfeind, Jessica: Written comments dated July 24, 2022, Section 20 Comment 1

Beam, Synthia: Written comments dated July 23, 2022, Section 20 Comment 2

Becker, Peter: Written comments dated July 25, 2022, Section 20 Comment 1

Bellorofonte, Vincent: Written comments dated July 25, 2022, Section 20 Comment 1

Bencivengo, Anthony: Written comments dated July 24, 2022, Section 20 Comment 1

Bennett, Adam: Written comments dated July 13, 2022, Section 20 Comment 2

Bennis, Mary: Written comments dated July 13, 2022, Section 3 Comment 1, Section 5 Comments 2 and 5, Section 6 Comment 1, Section 7 Comment 1, Section 14 Comment 64, Section 20 Comment 2

Benrhardt, Kaitlyn: Written comments dated July 25, 2022, Section 20 Comment 1

Bernstein, Kyle: Written comments dated July 24, 2022, Section 20 Comment 1

Berg, Rebecca: Written comments dated July 24, 2022, Section 20 Comment 2

Bidoglio, Marsha: Written comments dated July 26, 2022, Section 20 Comment 2

Bjornsen, Kelsey: Written comments dated July 13, 2022, Section 20 Comment 2

Blake, Andrew: Written comments dated July 24, 2022, Section 20 Comment 1

Blake, Philicia: Written comments dated July 24, 2022, Section 20 Comment 2

Blon, Maria: Written comments dated June 17, 2022, Section 20 Comment 3

Bonnell, Catherine: Written comments dated July 13, 2022, Section 20 Comment 2

Bourg, Beth: Written comments dated July 25, 2022, Section 20 Comment 2

Bowers, Kathleen: Written comments dated July 24, 2022, Section 20 Comment 1

Bressler, Joyce: Written comments dated July 13, 2022, Section 6 Comment 1, Section 8 Comment 13; Written comments dated July 24, 2022, Section 20 Comment 1

Brown, Ashley: Written comments dated July 24, 2022, Section 20 Comment 2

Buck, Sydney: Written comments dated July 24, 2022, Section 20 Comment 1

Butterfield, Chris: Written comments dated July 25, 2022, Section 20 Comment 1

Cabrera, Rachel: Written comments dated July 25, 2022, Section 20 Comment 1

Calderon, Julia: Written comments dated July 24, 2022, Section 20 Comment 1

Candra, Melanie: Written comments dated July 25, 2022, Section 20 Comment 1

Caquias, Sam: Written comments dated July 24, 2022, Section 20 Comment 1

Cardinale, Stephen: Written comments dated July 24, 2022, Section 20 Comment 1

Cardona, Nicole: Written comments dated July 25, 2022, Section 20 Comment 1

Carroll, Sylvia: Written comments dated July 25, 2022, Section 20 Comment 1

Carulli, Nancy: Written comments dated July 24, 2022, Section 20 Comment 1

Catenaro, Armand: Written comments dated July 24, 2022, Section 20 Comment 1

Charette-Lerardi: Written comments dated July 25, 2022, Section 20 Comment 1

Chen, Jennifer: Written comments dated July 24, 2022, Section 20 Comment 2

Churko, Allyson: Written comments dated July 24, 2022, Section 20 Comment 1

Clancy, Jenny: Written comments dated July 24, 2022, Section 20 Comment 1

Clark, Barry: Written comments dated July 24, 2022, Section 20 Comment 1

Coakley, Tiasha: Written comments dated July 24, 2022, Section 20 Comment 2

Collins, Elizabeth: Written comments dated July 24, 2022, Section 20 Comment 1

Contreras, Evelyn: Written comments dated July 24, 2022, Section 20 Comment 1

Conway, Kyle/ NAACP Newburgh: Oral testimony dated June 8, 2022, Section 6 Comments 1 and 4, Section 9 Comment 9, Section 10 Comment 3, Section 11 Comment 1; Written comments dated July 25, 2022, Section 20 Comment 1

Cowitt, Dina: Written comments dated July 24, 2022, Section 20 Comment 1

Cresser, Angela: Written comments dated July 25, 2022, Section 20 Comment 1

d834b708@aol.com: Written comments dated July 24, 2022, Section 20 Comment 1

Dally, Laura: Written comments dated July 24, 2022, Section 20 Comment 1

Dalton, Penny: Written comments dated July 23, 2022, Section 20 Comment 2

Dasraj, Natalia: Written comments dated July 24, 2022, Section 20 Comment 1

Davis, Leah: Written comments dated July 25, 2022, Section 20 Comment 1

DeAngelis, Dorothy: Written comments dated July 24, 2022, Section 20 Comment 2

Decker, Andrea: Written comments dated July 24, 2022, Section 20 Comment 2

DEsposito, Angela: Written comments dated July 25, 2022, Section 20 Comment 1

D'Esposito, Jennifer: Written comments dated July 24, 2022, Section 20 Comment 1

Devicci, Michael: Oral testimony dated July 13, 2022, Section 20 Comment 2

DeVito, Melissa: Oral testimony dated June 8, 2022, Section 20 Comment 2; Written comments dated June 9, 2022, Section 20 Comment 2

DeVito, Sal: Oral testimony dated June 8, 2022, Section 2 Comments 3, 4, and 5, Section 3 Comments 45, 46, and 50, Section 5 Comment 2, Section 6 Comment 1; Section 17 Comment 12; Written comments dated June 13, 2022, Section 2 Comment 4, Section 3 Comment 44, Section 5 Comments 1, 2, and 3, Section 6 Comment 1, Section 18 Comment 1

Dibble, Tabatha: Written comments dated July 24, 2022, Section 20 Comment 1

Dicomo, Anthony: Written comments dated July 24, 2022, Section 20 Comment 1

Dicomo, Camille: Written comments dated July 24, 2022, Section 20 Comment 1

Dimase, Mike: Oral testimony dated June 8, 2022, Section 1. Comment 2

Dorsey, John: Written comments dated July 25, 2022, Section 20 Comment 1

Doyle, Julie: Written comments dated July 24, 2022, Section 20 Comment 1

Duenes, David: Written comments dated July 25, 2022, Section 20 Comment 1

Duffy, Kristin: Written comments dated July 24, 2022, Section 20 Comment 1

Dunne, Victoria: Written comments dated July 24, 2022, Section 20 Comment 1

Durant, Melissa: Written comments dated July 25, 2022, Section 20 Comment 1

Eadicicco, Christopher: Written comments dated July 12, 2022, Section 2 Comment 6, Section 5 Comments 1 and 2, Section 15 Comment 4, Section 20 Comment 2

Eadicicco, Nick: Written comments dated July 25, 2022, Section 20 Comment 1

Edwards, Syd: Written comments dated July 25, 2022, Section 20 Comment 1

Erfer, Christy: Written comments dated July 24, 2022, Section 20 Comment 1

Erickson, Ryan: Written comments dated July 25, 2022, Section 20 Comment 1

Esposito, Melissa: Written comments dated July 24, 2022, Section 20 Comment 1

Faber, Michael: Written comments dated July 24, 2022, Section 20 Comment 2; Written comments dated July 24, 2022, Section 20 Comment 1

Failla, Makenzie: Written comments dated July 25, 2022, Section 20 Comment 1

Fair, Roberta: Written comments dated July 23, 2022, Section 20 Comment 2; Written comments dated July 25, 2022, Section 20 Comment 1

Fang, Grace: Written comments dated July 22, 2022, Section 20 Comment 2

Farkas, Kristin: Written comments dated July 24, 2022, Section 20 Comment 1

Farmer, Greg: Written comments dated July 25, 2022, Section 20 Comment 1

Feltington, Nicole: Written comments dated July 12, 2022, Section 3 Comment 1, Section 5 Comments 2 and 5, Section 6 Comment 1, Section 8 Comment 13, Section 20 Comment 3; Written comments dated July 24, 2022, Section 20 Comment 1

Fezza, Stephanie: Written comments dated July 25, 2022, Section 20 Comment 1

Fico, Thomas: Written comments dated July 25, 2022, Section 20 Comment 1

Fierro, Cindy: Written comments dated July 25, 2022, Section 20 Comment 1

Finn, Joseph: Oral testimony dated June 8, 2022, Section 7 Comment 1, Section 5 Comment 5, Section 1 Comment 4, Section 18 Comment 1.

Finneran, Ann: Written comments dated July 24, 2022, Section 20 Comment 1

Finneran, Joseph: Written comments dated July 22, 2022, Section 18 Comment 11

Fitzgerald, Giselle: Written comments dated July 25, 2022, Section 20 Comment 1

Fix, Michelle: Written comments dated July 25, 2022, Section 20 Comment 2

Fixsen, Barbara: Written comments dated July 24, 2022, Section 20 Comment 1

Foster, Joy: Written comments dated July 24, 2022, Section 20 Comment 2

Fotopoulos, Rebekah: Written comments dated July 24, 2022, Section 20 Comment 2

Francis, Linda: Written comments dated June 8, 2022, Section 20 Comment 2; Written comments dated July 24, 2022, Section 20 Comment 1

Freda, Angela: Written comments dated June 16, 2022, Section 3 Comments 1 and 49, Section 20 Comment 2,

Frisino, David: Written comments dated July 25, 2022, Section 20 Comment 2

Frisino, Lisa: Written comments dated July 25, 2022, Section 20 Comment 2

Fromholz, Rachel: Written comments dated July 25, 2022, Section 20 Comment 1

Galan, Cesar: Witten comments dated July 24, 2022, Section 20 Comments 1 and 2

Gallucci, Kim: Written comments dated July 24, 2022, Section 20 Comment 2

Gambino, Katie: Written comments dated July 24, 2022, Section 20 Comment 2; Written comments dated July 24, 2022, Section 20 Comment 1

Gardianos, Pericles: Written comments dated July 13, 2022, Section 2 Comment 2, Section 3 Comments 1, 41, and 43, Section 5 Comments 2, 3, and 4, Section 6 Comment 1, Section 14 Comment 64, Section 17 Comments 11 and 12

Gaston, Jonna: Written comments dated July 24, 2022, Section 20 Comment 1

Gavis-Lainjo, Wendy: Written comments dated July 24, 2022, Section 20 Comment 1

Gebhards, John: Written comments dated July 25, 2022, Section 20 Comment 1

Genao, Michelle: Written comments dated July 24, 2022, Section 20 Comment 1

George, Barbara: Oral testimony dated June 8, 2022, Section 19 Comment 1; Written comments dated July 24, 2022, Section 20 Comment 2

Genender, David: Written comments dated July 13, 2022, Section 20 Comment 2

Gilliam, Claire: Written comments dated July 24, 2022, Section 20 Comment 1

Goyette, Renae: Written comments dated July 25, 2022, Section 20 Comment 2

Gradzki, Michael: Oral testimony dated June 8, 2022, Comment Nos.

Graham, Robert: Written comments dated July 24, 2022, Section 20 Comment 1

Green, Gail Rivkin: Written comments dated July 14, 2022, Section 3 Comment 1, Section 5 Comment 2, Section 6 Comments 1 and 4, Section 8 Comment 13, Section 10 Comment 1,

Griese, Janet: Written comments dated July 24, 2022, Section 20 Comment 1

Grisales, Heather: Written comments dated July 24, 2022, Section 20 Comment 1

Grodecki, Linnie: Written comments dated July 24, 2022, Section 3 Comment 1, Section 20 Comment 1

Grodecki, Michael: Written comments dated July 24, 2022, Section 20 Comment 1

Guarini, Nancy: Written comments dated July 25, 2022, Section 20 Comment 1

Guarini, William: Written comments dated July 25, 2022, Section 20 Comment 1

Haines, Mike: Written comments dated July 13, 2022, Section 14 (generally)

Haines, Timothy: Written comments dated July 24, 2022, Section 20 Comment 1

Hall, Chloe: Written comments dated July 12, 2022, Section 8 Comment 13, Section 9 Comment 4, Section 20 Comment 2; Written comments dated July 24, 2022, Section 20 Comment 1

Hall, Jeanine: Written comments dated July 24, 2022, Section 20 Comment 1

Harford, Lois: Written comments dated July 25, 2022, Section 20 Comment 1

Harnick, Benjamin: Written comments dated July 25, 2022, Section 20 Comment 1

Harnick, Jessica: Written comments dated July 25, 2022, Section 20 Comment 1

Harris, Jessica: Written comments dated July 25, 2022, Section 20 Comment 1

Harris, Perry: Written comments dated July 24, 2022, Section 20 Comment 1

Hayes, Jude: Written comments dated July 25, 2022, Section 20 Comment 1

Heidernreich, Bill: Oral testimony dated June 8, 2022, Section 2 Comment 1

Hindley, Rob: Written comments dated July 24, 2022, Section 20 Comment 1

Hosten, Ana: Written comments dated July 24, 2022, Section 20 Comment 1

Hunter, Lynn Peck: Written comments dated July 24, 2022, Section 20 Comment 2

Insinger, Wendy: Written comments dated July 25, 2022, Section 20 Comment 1

Ircha, John: Written comments dated July 24, 2022, Section 20 Comment 2

Irizarry, Ariana: Written comments dated July 24, 2022, Section 20 Comment 2; Written comments dated July 25, 2022, Section 20 Comment 1

Isidoro, Miriam: Written comments dated July 24, 2022, Section 20 Comment 1

Isseks, Fred: Written comments dated July 25, 2022, Section 20 Comment 1; Section 20 Comment 2

Jados, Donna: Oral testimony dated June 8, 2022, Section 4 Comment 2, Section 12 Comment 2, Section 14 Comment 64

Jaime, Ramona: Written comments dated July 25, 2022, Section 20 Comment 2

Jollie, Samantha: Written comments dated July 25, 2022, Section 20 Comment 2

Jones, Rachel: Written comments dated July 25, 2022, Section 20 Comment 1

Jordan, Carl: Written comments dated June 18, 2022, Section 5 Comment 5, Section 8 Comment 13, Section 10 Comment 6, Section 19 Comment 1, Section 20 Comment 2

Joseph, Alan: Written comments dated July 25, 2022, Section 20 Comment 1; Section 20 Comment 2

Kampmann, Niels: Written comments dated July 24, 2022, Section 20 Comment 1

Kasow, Sharon: Written comments dated June 13, 2022, Section 20 Comment 2.

Kaye, Ellen: Written comments dated July 25, 2022, Section 20 Comment 1; Section 20 Comment 2

Kleiner, Jerry: Written comments dated July 13, 2022, Section 3 Comment 40, Section 5 Comment 2, Section 7 Comment 1, Section 8 Comment 13, Section 9 Comment 16, Section 10 Comments 1, 2 and 3, Section 11 Comment 1, Section 19 Comment 2,

Knight, Elizabeth: Written comments dated July 24, 2022, Section 20 Comment 1

Koho, Marilyn: Written comments dated July 25, 2022, Section 20 Comment 1

Kramer, Megan: Written comments dated July 24, 2022, Section 20 Comment 1

Kulak, Patrick: Written comments dated July 25, 2022, Section 20 Comment 2

Kunowski, Caryn: Written comments dated July 25, 2022, Section 20 Comment 1

LaGreca, Michelle: Written comments dated July 13, 2022, Section 20 Comment 2

Laird, Sherri: Written comments dated July 25, 2022, Section 20 Comment 2

Lamb, Ward: Written comments dated July 24, 2022, Section 20 Comment 1

Lappe, Laura: Written comments dated July 24, 2022, Section 20 Comment 1

Larkin, Peter: Written comments dated July 24, 2022, Section 20 Comment 1

Lauri, Danielle: Written comments dated July 25, 2022, Section 20 Comment 2

LaVine, Stephanie: Written comments dated July 25, 2022, Section 20 Comment 1

Lawrence-Malley, Holly: Written comments dated June 17, 2022, Section 3 Comment 1, Section 6 Comment 1, Section 20 Comment 2

Lazar, Michael: Written comments dated July 24, 2022, Section 20 Comment 1

Lazar, Ramona: Written comments dated July 24, 2022, Section 20 Comment 1

Lebron, Jose: Written comments dated July 25, 2022, Section 20 Comment 1

Lheureux, Verna: Written comments dated July 25, 2022, Section 20 Comment 1

Liantonio, Carole: Written comments dated July 24, 2022, Section 20 Comment 1

Lobreglio, Len: Written comments dated July 24, 2022, Section 20 Comment 1

Longworth, Alice: Written comments dated July 25, 2022, Section 20 Comment 1

Lopez, Maria: Written comments dated July 25, 2022, Section 20 Comment 2

Lubasch, Barbara: Written comments dated July 19, 2022, Section 5 Comment 5, Section 7 Comment 1, Section 8 Comment 13, Section 20 Comment 2

Lucchese, Justin: Written comments dated July 25, 2022, Section 20 Comment 2

Lucznikowska, Valerie: Written comments dated July 25, 2022, Section 20 Comment 1

Lust, Charles: Written comments dated July 24, 2022, Section 20 Comment 1

Lust, JoAnne: Written comments dated July 24, 2022, Section 20 Comment 1

MacIntosh, Myrna: Written comments dated July 25, 2022, Section 20 Comment 1

Mack, Rhoda Weber: Written comments dated July 25, 2022, Section 20 Comment 1

MacNamara, Carol: Written comments dated July 24, 2022, Section 20 Comment 1

Madden, Michael: Written comments dated July 24, 2022, Section 20 Comment 1

Madison, Stephanie: Written comments dated July 25, 2022, Section 20 Comment 1

Maldonado, Emely: Written comments dated July 22, 2022, Section 20 Comment 2; Written comments dated July 24, 2022, Section 20 Comment 1

Malik, Zain: Written comments dated July 25, 2022, Section 20 Comment 1; Section 20 Comment 2

Manco, Barbara: Written comments dated July 24, 2022, Section 20 Comment 1

Mann, Elizabeth: Written comments dated July 25, 2022, Section 20 Comment 1

Mapes, Ashley: Written comments dated June 14, 2022, Section 2 Comment 4, Section 3 Comment 1, Section 6 Comment 1, Section 18 Comment 1.

Marchand, Dolores: Written comments dated July 25, 2022, Section 20 Comment 1

Martine, Michael: Written comments dated July 13, 2022, Section 2 Comment 2, Section 5 Comment 5, Section 8 Comment 13, Section 20 Comment 2

Martine, Norma Jean: Oral testimony dated June 8, 2022, Section 5 Comment 5, Section 6 Comments 1 and 4, Section 7 Comment 1, Section 8 Comment 13, Section 19 Comment 1, Section 20 Comments 2 and 3; Oral testimony dated July 13, 2022, Section 6 Comment 4, Section 8 Comment 13, Section 9 Comments 14 and 15, Section 20 Comment 2. ; Written comments dated July 24, 2022, Section 20 Comment 1; Written comments dated July 26, 2022, Section 9 Comments 2 and 6

Martini, Viola: Written comments dated July 13, 2022, Section 20 Comment 2

Martucci, Debra: Written comments dated July 24, 2022, Section 20 Comment 1

Martucci, Ralph: Written comments dated July 24, 2022, Section 20 Comment 1

Maurizzio, Terri: Written comments dated July 25, 2022, Section 20 Comment 1

Maver, Ann: Written comments dated July 25, 2022, Section 20 Comment 1

McClinsey, Jason: Written comments dated July 25, 2022, Section 20 Comment 1

McDonough, Mary Ann: Written comments dated July 24, 2022, Section 20 Comment 1

Melissa: Written comments dated July 23, 2022, Section 20 Comment 2

Middletown, City of: Written comments dated June 8, 2022, Section 3 Comments 1 and 35, Section 13 Comment 1, Section 14 Comment 1, Section 16 Comments 1 and 5, Section 17 Comments 2, 3, 4, and 5; Written comments dated July 1, 2022, Section 3 Comments 2, 3, 31, 32, 33, 34 and 35, Section 8 Comments 2, 8, and 9, Section 13 Comment 2, 3, 4, 5, 6, and 8, Section 14 Comments 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 65, 66, 67, 68, 69 and 70, Section 15 Comment 2, Section 16 Comments 1, 3 and 4, Section 17 Comments 2, 3, 9, 10

Miller, Rachel: Written comments dated July 25, 2022, Section 20 Comment 2

Mitchell, Christine: Written comments dated July 25, 2022, Section 20 Comment 1

Monks, Richard: Written comments dated July 24, 2022, Section 3 Comment 1, Section 20 Comment 2

Montes, Letitia: Written comments dated July 24, 2022, Section 20 Comment 1

Moon, Felecia: Written comments dated July 12, 2022, Section 2 Comment 4, Section 3 Comment 1, Section 5 Comment 2, Section 6 Comments 1 and 4, Section 10 Comment 1, Section 20 Comment 2; Written comments dated July 24, 2022, Section 20 Comment 1

Moran, Stacey: Written comments dated July 25, 2022, Section 20 Comment 1

Moran, Tara: Written comments dated July 24, 2022, Section 20 Comment 1

Morris, Casey: Written comments dated July 24, 2022, Section 20 Comment 1

Morstatt, Sonnia: Written comments dated July 24, 2022, Section 20 Comment 1

Moscatello, Colleen: Written comments dated July 12, 2022, Section 6 Comment 4, Section 9 Comment 4; Written comments dated July 24, 2022, Section 20 Comment 1

Mowery, Lisa: Written comments dated July 25, 2022, Section 20 Comment 1

Muller, Vickie: Written comments dated July 12, 2022, Section 20 Comment 2

Mullins, Therese: Written comments dated July 25, 2022, Section 5 Comment 1, Section 20 Comment 2

Mulqueen, Deborah: Written comments dated July 24, 2022, Section 20 Comment 1

Mustafallari, Wesley: Written comments dated July 25, 2022, Section 20 Comment 1

Myers, Jean: Written comments dated July 25, 2022, Section 20 Comment 1

Nathan, Lisa: Written comments dated July 24, 2022, Section 20 Comment 1

Neely, Pat: Written comments dated July 25, 2022, Section 20 Comment 1

Neessen, Zulma: Written comments dated July 24, 2022, Section 20 Comment 2

Neujahr, James: Written comments dated July 24, 2022, Section 20 Comment 1

Newler, Merryl: Written comments dated July 24, 2022, Section 20 Comment 1

Newman, Katelyn: Written comments dated July 25, 2022, Section 20 Comment 1

New York State Department of Environmental Conservation: Written comments dated June 27, 2022, Section 8 Comments 1, 3, 5, and 6, Section 14 Comment 1, Section 17 Comment 1,

New York State Department of Transportation: Written comments dated June 15, 2022, Responses are provided on NYSDOT Comment Response Form in Appendix N to the FGEIS and are attached in Appendix 1 to the Traffic Impact Study.

Nials, Shamaine: Written comments dated July 24, 2022, Section 20 Comment 1

Okby, Catherine: Written comments dated July 24, 2022, Section 20 Comment 1

ONeill, Mary Ellen: Written comments dated July 24, 2022, Section 20 Comment 7

Orange County Agricultural and Farmland Protection Board/DeBuck, Leonard: Written comments dated June 17, 2022, Section 18 Comment 4

Orange County Department of Planning: Written comments dated June 17, 2022, Section 3 Comment 36, 37, 52, Section 4 Comment 1, Section 5 Comments 2, 3, and 4, Section 6 Comment 7, Section 7 Comment 1, Section 8 Comment 4, Section 9 Comments 1 and 5, Section 10 Comments 1 and 7, Section 12 Comment 1, Section 15 Comment 1, Section 16 Comments 2, 6 and 7, Section 17 Comments 5, 6, and 7, Section 18 Comment 10,

Orange County Partnership for Economic Development/Eckert, Conor: Oral testimony dated June 8, 2022, Section 1 Comment 1

Orlando, Teresa: Written comments dated July 25, 2022, Section 5 Comment 1, Section 20 Comment 2

Ortega, Evelyn: Written comments dated July 24, 2022, Section 20 Comment 1

Otte-Hunter, Steve: Written comments dated July 24, 2022, Section 20 Comment 2

Outlaw, Trena: Written comments dated July 24, 2022, Section 20 Comment 1

Pace, Jennifer: Written comments dated July 24, 2022, Section 20 Comment 1

Pacion, Linda: Written comments dated July 24, 2022, Section 20 Comment 1

Padgett, Brenda: Written comments dated July 25, 2022, Section 20 Comment 1

Pahucki, Chrissy: Written comments dated July 24, 2022, Section 20 Comment 1

Parlman, Elizabeth: Written comments dated July 24, 2022, Section 20 Comment 1

Parker, Kathryn: Written comments dated July 25, 2022, Section 20 Comment 1

Pauls, Grace: Written comments dated July 25, 2022, Section 20 Comment 2

Pedersen, JoAnn: Written comments dated July 24, 2022, Section 20 Comment 1

Pereyra, Gabriela: Written comments dated July 25, 2022, Section 20 Comment 1

Perkins, Anna Marie: Written comments dated July 25, 2022, Section 20 Comment 2

Peruzzi, Kayla: Written comments dated July 25, 2022, Section 20 Comment 1

Peters, Ilka: Written comments dated July 25, 2022, Section 3 Comment 1, Section 5 Comment 5, Section 6 Comment 1, Section 19 Comment 1, Section 20 Comment 1

Pettit, Michael: Written comments dated July 25, 2022, Section 20 Comment 1

Piggott, Kenneth: Written comments dated July 25, 2022, Section 20 Comment 1

Pisacane, Joan: Written comments dated July 25, 2022, Section 20 Comment 1

Poirier, Josh: Written comments dated July 25, 2022, Section 20 Comment 1

Ponzoni, Alex: Oral testimony dated June 8, 2022, Section 6 Comment 1; Oral testimony dated July 13, 2022, Section 18 Comment 14, Section 19 Comment 1, Section 20 Comment 12; Written comments dated July 25, 2022, Section 20 Comment 1

Ponzoni, George: Oral testimony dated June 8, 2022, Section 3, Comment 42, Section 5 Comments 1 and 5, Section 7 Comment 2, Section 15 Comment 4, Section 16 Comment 14, Section 18 Comments 8 and 13, Section 19 Comment 1; Oral testimony dated July 13, 2022, Section 3 Comment 1, Section 19 Comment 3; Written comments dated July 24, 2022, Section 20 Comment 1

Privitera, Rosemarie: Written comments dated July 25, 2022, Section 20 Comment 1

Protect Orange County/Malik, Pramila: Oral testimony dated June 8, 2022, Section 1 Comment 1, Section 5 Comment 1, Section 6 Comments 1, 2, and 5, Section 9 Comment 9, Section 11 Comment 1, Section 18 Comments 2, 3, and 5, Section 19, Comment 2, Section 20, Comment 5; Oral testimony dated July 13, 2022, Section 6 Comment 1, Section 18 Comments 2 and 3, Section 20 Comment 2; Written comments dated July 25, 2022: Section 1 Comment 3, Section 6 Comments 1 and 2, Section 9 Comments 5, 6, 7, 8, 10, 13, 16, and 17, Section 10 Comment 4, Section 16 Comment 13, Section 19 Comment 1

Putnam, Laura: Written comments dated July 25, 2022, Section 20 Comment 1

Quattrini, Jared: Written comments dated July 13, 2022, Section 20 Comment 2; Written comments dated July 25, 2022, Section 20 Comment 1

Rafferty, Diane: Written comments dated July 25, 2022, Section 20 Comment 1

Rapp, Rhiannon: Written comments dated July 25, 2022, Section 20 Comment 1

Rascona, Anthony: Written comments dated July 25, 2022, Section 20 Comment 1

Rascona, Nancy: Written comments dated July 25, 2022, Section 20 Comment 1

Rebmann, Rachelle: Written comments dated July 24, 2022, Section 20 Comment 1

Rebmann, Horst: Written comments dated July 24, 2022, Section 20 Comment 1

Reed, Dana: Written comments dated July 24, 2022, Section 20 Comment 1

Reinhardt, Eileen: Written comments dated July 24, 2022, Section 20 Comment 1

Reik, Linda: Written comments dated July 24, 2022, Section 20 Comment 1

Riley, Carolyn: Oral testimony dated June 8, 2022, None; Written comments dated July 25, 2022, Section 20 Comment 1

Riley, James: Written comments dated July 25, 2022, Section 20 Comment 1

Ringus, Aaron: Written comments dated July 25, 2022, Section 20 Comment 1

Rios, Kate: Written comments dated July 25, 2022, Section 20 Comment 1

Rissler, Jessica: Written comments dated July 25, 2022, Section 20 Comment 1

Rivera, Nikki: Written comments dated July 25, 2022, Section 20 Comment 1

Rizzi, Rosemary: Written comments dated July 25, 2022, Section 20 Comment 1

Rizzo, Angel: Written comments dated July 22, 2022, Section 20 Comment 2

Rizzo, Heather: Written comments dated July 25, 2022, Section 20 Comment 1

Rodriguez, Edith: Written comments dated July 25, 2022, Section 20 Comment 1

Rodriguez, Joelyne: Written comments dated July 25, 2022, Section 20 Comment 1

Rodriguez, Stephanie: Written comments dated July 25, 2022, Section 20 Comment 2

Rolo, Annmarie: Written comments dated July 24, 2022, Section 20 Comment 1

Rotundo, Cesare: Oral testimony dated June 8, 2022, Section 3 Comments 47 and 48, Section 5 Comment 1, Section 13 Comment 9, Section 18 Comment 7

Rutzky, Linda: Written comments dated July 24, 2022, Section 20 Comment 1

Ryan, Carly: Written comments dated July 25, 2022, Section 20 Comment 1

Ryan, Patrick: Written comments dated July 25, 2022, Section 20 Comment 1

Sager, Linda: Oral testimony dated June 8, 2022, Section 2 Comment 2; Written comments dated July 24, 2022, Section 20 Comment 1

Sammon, Lynn: Written comments dated July 24, 2022, Section 20 Comment 1

Sanchez, Deidre: Written comments dated July 25, 2022, Section 20 Comment 1

Sanchez-Ramos, Erika: Written comments dated July 25, 2022, Section 20 Comment 1

Sanin, Jamie: Written comments dated July 25, 2022, Section 20 Comment 1

Santamaria, Mallory: Written comments dated July 24, 2022, Section 20 Comment 1

Saretto, Gail: Written comments dated July 24, 2022, Section 20 Comment 1

Savold, Tina: Oral testimony dated July 13, 2022, Section 3 Comment 1, Section 5 Comment 5, Section 6 Comment 1

Scali, Nicholas: Written comments dated July 25, 2022, Section 20 Comment 1

Scanlon, Kevin: Written comments dated July 24, 2022, Section 20 Comment 2

Schacher, Irene: Written comments dated July 24, 2022, Section 20 Comment 1

Schaeffer, Lisa: Written comments dated July 25, 2022, Section 20 Comment 1

Schepps, Christina: Written comments dated July 24, 2022, Section 20 Comment 1

Schiano, Jennifer: Written comments dated July 25, 2022, Section 20 Comment 1

Scialdone, Toni-Ann: Written comments dated July 13, 2022, Section 20 Comment 2

Schluter, Tioka: Written comments dated July 25, 2022, Section 20 Comment 1

Schneider, Frederick: Oral testimony dated June 8, 2022, Section 1 Comment 1

Schumachi, John: Written comments dated July 24, 2022, Section 20 Comment 1

Sears, Nancy: Written comments dated July 24, 2022, Section 20 Comment 1

Seddon, Harry: Written comments dated July 24, 2022, Section 20 Comment 1

Sevito, Salvatore: Written comments dated July 24w, 2022, Section 20 Comment 1

Simon, Alex: Written comments dated July 24, 2022, Section 20 Comment 2

Simon, Alexander: Written comments dated July 24, 2022, Section 20 Comment 1

Simons, Becca: Written comments dated July 22, 2022, Section 20 Comment 2; Written comments dated July 25, 2022, Section 20 Comment 1

Skoufis, James, NY State Senator, 39th District/Fuentes, Emma: Oral testimony dated June 8, 2022, Section 18 Comment 15; Written comments dated July 20, 2022, Section 3 Comment 39, Section 14 Comment 128, Section 16 Comments 1, 2, and 3, Section 18 Comment 12

Solomon, Arlene: Written comments dated July 24, 2022, Section 20 Comment 1

Solomon, Ruthie: Written comments dated July 22, 2022, Section 20 Comment 2

Soulstainable/Sumner, Skyler: Oral testimony dated June 8, 2022, Section 8 Comment 13, Section 19 Comment 2, Section 20 Comment 6; Oral testimony dated July 13, 2022, Section 3 Comment 1, Section 5 Comments 1 and 5, Section 8 Comment 13, Section 16 Comment 8, Section 19 Comment 4, Section 20 Comments 8-12; Written comments dated July 24, 2022, Section 20 Comment 1; Written comments dated, July 26, 2022 , Section 1 Comment 3, Section 3 Comment 4, Section 5 Comment 2, Section 6 Comments 1 and 3, Section 7 Comment 1, Section 8 Comments 13 and 14, Section 9 Comments 2, 5,

6, 9, 11 12, and 17, Section 11 Comment 1, Section 13 Comment 10, Section 14 Comments 72, 126, and 127, Section 15 Comment 5, Section 18 Comments 1 and 6, Section 20 Comment 1

Soulstainable Petitioners (see Appendix N of this FGEIS for a list of individual petitioners): Written comments in the form of a petition with no specified date, Section 3 Comment 1, Section 5 Comment 5, Section 6 Comment 1, Section 7 Comment 1, Section 8 Comment 13, Section 10 Comment 5, Section 18 Comment 6

Spinelli, Domenic: Written comments dated July 24, 2022, Section 20 Comment 1

Stampfel, Joseph: Written comments dated July 24, 2022, Section 20 Comment 1

Stevens, John Wright: Written comments dated July 24, 2022, Section 20 Comment 2

Stevens, Madelyn: Written comments dated July 13, 2022, Section 20 Comment 2

Strizki, Mike: Oral testimony dated June 8, 2022, Section 16 Comment 7

Strmiska, Michael: Written comments dated July 24, 2022, Section 20 Comment 1

Strassman, Jack: Written comments dated July 24, 2022, Section 20 Comment 1

Straut, Richard: Written comments dated July 25, 2022, Section 20 Comment 1

Sumner, Keith: Written comments dated July 25, 2022, Section 3 Comment 1, Section 20 Comment 2

Sutton, Christopher: Written comments dated July 24, 2022, Section 20 Comment 1

Sutton, James: Written comments dated July 13, 2022, Section 5 Comment 5, Section 8 Comment 13

Tanous, Andrew: Written comments dated July 24, 2022, Section 20 Comment 1

Tawil, Jacob (on behalf of City of Middletown): Oral testimony dated June 8, 2022, Section 20 Comment 2

Torres, Amanda: Written comments dated July 25, 2022, Section 20 Comment 1

Trust, Andrea: Written comments dated July 24, 2022, Section 20 Comment 1

Tuber, Patricia: Written comments dated July 25, 2022, Section 20 Comment 1

Tully, Erin: Written comments dated July 25, 2022, Section 20 Comment 1

Van Pelt, Beth: Written comments dated July 24, 2022, Section 20 Comment 1

Vance, Erin: Written comments dated July 24, 2022, Section 20 Comment 1

Vance, Toniann: Written comments dated July 24, 2022, Section 20 Comment 1

Vandervoort, Mike: Oral testimony dated June 8, 2022, Section 10 Comments 1, 2, and 3

Vanessa, Cid: Written comments dated July 24, 2022, Section 20 Comment 1

Vazquez, Desiree: Written comments dated July 24, 2022, Section 20 Comment 1

Velez, Anthony: Written comments dated July 24, 2022, Section 20 Comment 1

Veloz, Alexis: Written comments dated July 25, 2022, Section 20 Comment 1

Walker, Bonnie: Written comments dated July 24, 2022, Section 20 Comment 1

Walker, Jenny: Written comments dated July 24, 2022, Section 20 Comment 1

Walker, Richard: Written comments dated July 25, 2022, Section 20 Comments 1 and 2

Walker, Sean: Written comments dated July 24, 2022, Section 20 Comment 1

Town of Wawayanda/MHE Engineering: Written comments dated July 25, 2022: Section 3 Comments 5-16, Section 5 Comment 5, Section 8 Comment 4, 7, 10, and 12, Section 9 Comment 2, Section 11 Comment 1, Section 13 Comment 7, Section 14 Comments 14-62, 71, 73-125, Section 17 Comment 1

Weber, Jacob: Written comments dated July 24, 2022, Section 20 Comment 1

Weilacher, Karen: Written comments dated July 25, 2022, Section 20 Comment 2

Westerfield, Robert: Written comments dated July 25, 2022, Section 20 Comment 1

Whalen, Mark: Written comments dated July 25, 2022, Section 20 Comment 2

White, Elise: Written comments dated July 25, 2022, Section 20 Comment 1

Willis, DeVynia: Written comments dated July 24, 2022, Section 20 Comment 1

Wilson, Teresa: Written comments dated July 24, 2022, Section 20 Comment 1

Wing, Jeanette: Written comments dated July 24, 2022, Section 20 Comment 1

Winner, Dorothy: Written comments dated July 25, 2022, Section 20 Comment 1

Winner, Gregory: Written comments dated July 25, 2022, Section 20 Comment 1

Whitby, Mary: Written comments dated July 24, 2022, Section 20 Comment 1

Wolff, Melissa: Written comments dated July 25, 2022, Section 20 Comment 1

Wyman, Susan: Written comments dated July 24, 2022, Section 20 Comment 1

Young, Patrick: Written comments dated July 24, 2022, Section 20 Comment 1

Zak, Ty: Written comments dated July 24, 2022, Section 20 Comment 1

Zanetti, Fred: Written comments dated June 11, 2022, Section 20 Comment 2

Zema, Linda: Written comments dated July 24, 2022, Section 20 Comment 1

Zimmerman, Janet: Written comments dated July 25, 2022, Section 20 Comment 1

Appendices