From: Sky Sumner
To: Planning
Subject: SOULATAINABLE NY CONCERNS AND QUESTIONS
Date: Tuesday, July 26, 2022 12:00:12 AM

Dear Wawayanda Planning Board and DGEIS applicants,

We are overjoyed with the support that our local communities have given us in our opposition of the Dolsontown Corridor DGEIS Project. We are certain you have a lot of people to answer to. Which brings us to our first point :

How can you "mitigate" the FACT that the thousands of residents, business owners, and property owners within the area of this proposal's site do not want this project approved?

Alone, our petition lists over 1,753 people who directly oppose this project.

https://actionnetwork.org/petitions/petition-to-distinguish-the-dolsontown-corridor-as-a-wildlife-preserve?source=direct_link& <https://actionnetwork.org/petitions/petition-to-distinguish-the-dolsontown-corridor-as-a-wildlife-preserve?source=direct_link&>

Questions and Concerns to be reviewed and answered by the board and the project applicants:

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?

The Dewpoint south Threatened and Endangered Species Habitat Suitability Assessment Report states 8.7 of 9.2 acres of Upland forest will be disturbed. The oaks include one or more of the following: black oak (Quercus velutina), red oak (Q. rubra), and white oak (Q. alba), red maple (Acer rubrum), American beech (Fagus grandifolia), and black cherry (Prunus serotina) are common associates occurring at low densities. Sizes of the trees vary from saplings to mature trees with a wide range of dbh from 3--6 inches and tree conditions including dead wood, crevices, and holes. Dead wood, Crevices and Holes indicate Bat nesting roosts may be present. Bats typically roost in.
These trees do a job, they won't be able to do it, how will you replace it?

We propose that 10 trees be planted for every tree that is cut down to mitigate the climate effects of losing mature trees. It must be these native trees.
Wetlands - Wetlands on the site are Federally regulated forested wetlands dominated by red maple swamp species. To mitigate climate change, plant double the trees that are cut down. For every tree that is cut down, 10 must be planted.

Any proposed replacement must be equal in volume and density and CO2 sequestration.

The DGEIS mentions minimizing ALL impacts to the Monhagen Brook, which is on the NYSDEC's 303(d) list as an impaired watershed. IT SHOULD HAVE NO IMPACT. How can you further damage an already impaired watershed?

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.

MARANGI is going to be a toxic waste facility and therefore SHOULD BE A SEPARATE ANALYSIS - not included with WAREHOUSE PROPOSALS. They are not the same thing, and they should not be treated as such.

Where will the trash Marangi is collecting be coming from? We DO NOT WANT them going through our city streets and we do not want to see them when we leave our residences.

RDM, much like in Montgomery, should be subjected to fine if any of the trucks going in or out of the facility pass through our streets. We will confirm this with the City of Middletown, but if that is the outcome in Montgomery we want the same outcome in Middletown.

TO THE BOARD: How can you sell our precious land and resources to a warehouse company from New Jersey? You are directly violating the oath you've taken and the heritage you claim to represent.

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?

We DEMAND community members be involved in every step, and we demand that community members are present for all oversights. If approved, the residents of the city of Middletown will elect a group that we want to be included in bi-weekly regulations monitoring. We will come to the site, and oversee the building process and the daily operations, code enforcement and environmental regulations. The Town of Wawayanda has lost it's integrity and cannot be trusted to do legitimate studies or regulations. We want the applicants and the planning board to allow the community to choose an environmental consultant team of our own liking and demand you allow us to get a second opinion. Will you grant us this ability to get a second environmental consultant team to perform an additional analysis?

The PHOTOS OF THE HABITAT THAT WERE TAKEN DURING WINTER ARE NOT ACCURATE IN IDENTIFYING THE PRESENCE OF CRITICAL PlANT SPECIES AND HABITATS. Who is monitoring these surveys to make sure they are done thoroughly and accurately?
We DEMAND that another study be done during the summer months when all the plants that occupy this land are present.
How can you allow a study to be done in winter?
The MONARCH butterfly is present during the warmer months, this needs to be taken into consideration. We ask you to look into the presence of the milkweed plants on these project sites and it was stated in the Threatened and Endangered Species Habitat Suitability Assessment Report that there is a presence of milkweed and monarch habitat but there are no mitigation methods proposed, why?
What is the plan to protect the migratory birds and their habitats? As per the migratory bird treaty act (MBTA)?

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?

Page 38 table 5 for Green Infrastructure Site Planning states that the below will not be applied ot this projet. Why not?

Delineate and place into permanent conservation undisturbed forests, native vegetated areas, riparian corridors, wetlands, and natural terrain

Existing federally regulated wetland areas exist on site which have been primarily preserved with the exception of a minor disturbance of an assumed isolated wetland along Caskey Lane.

How is any wetland allowed to be destroyed?

Limit clearing and grading to the minimum amount needed for roads, driveways, foundations, utilities and stormwater management facilities. Answer: The development has been limited as much as possible while still meeting the developer's requirements. —- the limit should not be decided by the "developers requirements" but the laws and regulations that are in place to protect the environment. We demand you change the management requirements as to conform to the community's concern and the actual law.

Use clustering, conservation design or open space design to reduce impervious cover, preserve more open space and protect water resources - this is listed as not applicable to this project… why not? Why are we not reducing impervious cover?

Restore the original properties and porosity of the soil by deep till and amendment with compost to reduce the generation of runoff and enhance the runoff reduction performance of post construction practices. - Compacted soils located in open areas without shallow utilities will be tilled in order to restore the original properties of the soil prior to seeding. - we'd like to know what they will be planting , and if it will be indigenous species?

We demand you to require the applicants to rewild areas of Middletown if they see this project through. Money should come from the applicants and go directly into rewilding the City of Middletown and Wallkill and Wawayanda.

Driveway Reduction Minimize driveway lengths and widths to reduce site impervious area - The proposed driveways have been minimized wherever possible. - again this should not be up to the project, but the laws of protection.

Building Footprint Reduction Reduce the impervious footprint of residences and commercial buildings by using alternate or taller buildings while maintaining the same floor to area ratio. The building footprints have been designed to meet the developer's needs. - AGAIN this should not be up to the project but the laws of protection and what is best for the community.

Parking Reduction Reduce imperviousness on parking lots by eliminating unneeded spaces, providing compact car spaces and efficient parking lanes, minimizing stall dimensions, using porous pavement surfaces in overflow parking areas, and using multi-storied parking decks where appropriate. The site has been developed to meet the developer's needs and the applicable requirements. - SAME AS ABOVE
We demand you look at what the requirements and concerns of the citizens who live here want and not leave the decisions up to the applicants. Who is most affected by this? RESIDENTS OF MIDDLETOWN AND WALLKILL, why were they not brought in as interested parties? Why did you not include the municipalities in the studies and ask to meet our requirements?
We don't want them here. We want you to listen to us.

Have they demonstrated a NEED for this thing? What is the urgency?

How much Middletown water will this project use?

For every square foot of wetland that you disturb, the city of middletown should receive compensation for, in the form of parks and rec finances ??? Build us parks?

Rewind downtown Middletown?

HOW WILL THIS BE REWILDED? WHERE WILL THESE COMPANIES BE MADE TO REWILD ELSEWHERE IN OUR COMMUNITY?

Upland Forest 7.29 5.79 disturbed

Upland Meadow 30.64 17.16 disturbed

TABLE SIX: GREEN INFRASTRUCTURE FEASABILITY

1. States: Tree Planting/Tree Box Plant or conserve trees to reduce stormwater runoff, increase nutrient uptake, and provide bank stabilization. Trees can be used for applications such as landscaping, stormwater management practice areas, conservation areas and erosion and sediment control. Tree planting has been proposed through the site but has not been quantified as a stormwater mitigation.

    1. Why has this not been implemented?

2. Green Roof Capture runoff by a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation allows evaporation and Not used. Dewpoint South - Storm Water Pollution Prevention Plan (SWPPP) |January 2022 Page 13 evapotranspiration processes to reduce volume and discharge rate of runoff entering conveyance system.

    1. WHY IS THIS NOT BEING ENFORCED FOR THIS PROJECT?

3. REWILDING - instead of as stated on page 48 Topsoil, Seed & Mulch – Final vegetative stabilization shall be used at all locations where the ground has been disturbed and impervious covers are not specified. Mulch shall be applied with, or immediately after seeding

    1. THIS LAND NEEDS TO BE REWILDED WITH INDIGENOUS WILD SPECIES- ALL AREAS MADE IMPERVIOUS MUST BE MADE UP FOR ELSEWHERE - REWILD IMPERVIOUS ABANDONED LOTS IN THE CITY OF MIDDLETOWN where the most people will be impacted by this project.

    2. IT is stated that: Final Stabilization means that all soil disturbance activities have ceased and a uniform, perennial vegetative cover with a density of eighty (80) percent over the entire pervious surface has been established; or other equivalent stabilization measures, such as permanent landscape mulches, rock rip-rap or washed/crushed stone have been applied on all disturbed areas that are not covered by permanent structures, concrete or pavement.

        1. Nature is not uniform, perennial vegetation cover does not suffice. This vegetation needs to be rewilding, not mulch and crushed stone.

On Good House keeping: 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?

On Environmental Justice:

1. What will this do for the community? What benefit will this have for the community?

1. Why is Wawayanda's zoning for commercial all along the middletown border?

2. How can we protect the city of middletown from the pollution coming from the diesel trucks? We propose that they are not permitted to travel through the city of middletown at all, and if they do, that there will be a heavy fine on Marangi and whoever is renting the warehouses.

3. This is an issue of environmental justice. How will the mostly BIPOC community of Middletown be protected? How will the project benefit them?

4. More people are moving to Orange county, and it will increase as time goes on. This was stated recently by Orange County. Has this been taken into consideration in the traffic study?

5. Residents need to be NOTIFIED DIRECTLY. All the renters nearby, along and near Dolsontown road should be informed. Why have they not been already when this project will clearly effect their health, property, values, and daily lives.

On CULTURAL HISTORICAL AND ARCHEOLOGICAL RESOURCES

1. As per the letter from Jessica Schreyer Scientist Archaeology at NY parks, recreation and historic preservation; Caskey house - historic house on Caskey Lane - oldest houses in the area - settlements - on Native American property - already had been cleared and used by natives - early settled on native property - Hudson Valley Cultural Resource Consultants, Ltd. - what locations did they dig at? what was found? where is the historical archeological survey ? burial site nearby OCPB - OFFICE OF HISTORIC PRESERVATION. Original statement was disingenuous. This entire area has archeological and historical significance as stated by local historian Mike Vandervoort at the public hearing on June 8th. This applies ot the entire dolson town corridor area.

2. SIMON BUSINESS PARK: PARKS AND REC SAYS THERE MAY BE A CEMETERY

    1. PARKS REC HISTORIC PRESERVATION SAY:

    2. Cumulatively, the proposed project area has been examined by two previous archaeological surveys - 01SR51892 and 07SR57257 - neither of which identified any archaeological sites. Therefore, based on the available information, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

        1. HOW IS THIS POSSIBLE WHEN WE KNOW THE OLDEST HOUSE IN MIDDLETOWN AND AN INDIGENOUS MIGRATORY ROUTE ARE PRESENT ON THIS SITE?

On COUNTY ISSUES

1. What is the need for this project in the county? What is the urgency?

2. How much Middletown water will this project use?

ENDANGERED PLANT/ANIMAL SPECIES HABITAT:

ORCHID grows on wetlands

MATERNITY ROOSTING NESTS:

This proposed project will require about 8.7 acres of tree clearing, grubbing, and earth moving in upland forest area. The disturbance activities will not result in adverse effects to this species since will be removed when bats are not on site between October 1 and March 31 or as approved by the Threatened and Endangered Species Habitat Assessment Report Dewpoint South Site – Town of Wawayanda Page 5 NYSDEC (Emergence survey/s) outside this clearing timeframe. Generation of dust and noise, potential for changes to surface water quality, and increased lighting on the site may cause an impact to foraging bats but can be mitigated as per below. WILL YOU DO A SECOND STUDY DURING THE MONTHS THAT THE BATS ARE IN THE TREES?

PLEASE DO

CUMULATIVE HABITAT LOSS IMPACT STUDY: We have already LOST many bats - it's not enough to cut

trees in spring and summer - once its gone its gone - where will they go? Cumulative impact on habitat loss, effects to Indiana bat.

Where will the bats go when they come back to their homes? Conclusion - This proposed project will require about 8.7 acres of tree clearing, grubbing, and earth moving in upland forest area. The disturbance activities will not result in adverse effects to this species since will be removed when bats are not on site between October 1 and March 31 or as approved by the Threatened and Endangered Species Habitat Assessment Report Dewpoint South Site – Town of Wawayanda Page 5 NYSDEC (Emergence survey/s) outside this clearing timeframe. Generation of dust and noise, potential for changes to surface water quality, and increased lighting on the site may cause an impact to foraging bats but can be mitigated as per below. The site owner proposes to avoid, minimize, and mitigate for effects by: • Site lighting will use approved light fixtures that have tops that direct light down to minimize light pollution and not interfere with potential bat foraging activities; • 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 in surface waters on the site, and; • Stormwater pond/s will not be maintained with any chemicals that might adversely affect bats or insect populations on which they may feed. These measures will result in avoiding adverse effects to Indiana and Northern long-eared bats. Sadly, many bat species around the world are vulnerable or endangered due to factors ranging from loss and fragmentation of habitat, diminished food supply, destruction of roosts, disease and hunting or killing of bats.Bats are still under threat from building and development work that affects roosts, loss of habitat, the severing of commuting routes by roads and threats in the home including cat attacks, flypaper and some chemical treatments of building materials. Other potential threats can include wind turbines and lighting if they are sited on key bat habitat on near roosts.The decrease in bat numbers mirrors the ever-changing countryside. Natural habitats <https://www.bats.org.uk/about-bats/where-do-bats-live/bat-habitats> such as hedgerows, woodlands and ponds have been declining and fragmenting. It is important that we create new suitable habitats and manage and enhance existing habitats to help bats recover and survive.Loss of habitat, the use of pesticides and intensive farming practices have lead to a reduction in the abundance of insects which the bats rely on as their only food source. For example the change from hay making to silage, has meant that many insects do not reach adulthood so there are less flying adults available. Changes in climate may also influence insect life cycles and so this may affect when bats can feed.
BAT BOXES:

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. BCT's 'Bat Box Information' pack provides information regarding what type of boxes are available, and how they can be installed depending on the surrounding environmental conditions and bat populations. Shelter is not the only resource that bats require however. Food and water supplies are also vital and though trees help to provide these in abundance, a helping hand can further enhance suitable habitat. The leaflet 'Encouraging bats' offers a variety of tips and ideas on how to create a stable and diverse habitat in which bats can thrive. These resources can be downloaded from th

AIR MODELING ANALYSIS ON INDIANA BATS

There needs to be:

NOISE ANALYSIS for the trucks

VISUAL/NOISE AND ODOR ANALYSIS ON IMPACT ON HERITAGE TRAIL

Thank you for your time and we await your reply.

Norma Jean Martine and Skyler Sumner,

Soulstainable NY