

September 11, 2024

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

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

Dear Chairperson Razzano and Members of the Planning Board,

Below please find our responses to a comment letter received from Orange County Planning dated August 19, 2024 and MHE Engineering dated August 28, 2024. The comments have been repeated here for clarity:

OCP:

Comment 1. Coordination - The applicant should coordinate with the Orange County Health Department regarding any required reviews for the proposed water connection and sewer connection.

Response 1: The applicant is in the process of coordinating with the OCDOH for the approval of the site water main extension with hydrants. A submission to OCDOH was made on 9/6/24 and the applicant is currently awaiting a response. OCDOH approval of the site water main extension will be a condition of the Planning Board's approval.

Comment 2. Coordination - The applicant should coordinate with the local police department and ambulance corps serving this site to ensure that any of their safety concerns are addressed.

Response 2: The Town currently does not have a local police force or local EMS service. The site plans were submitted to the local fire department. They issued an email on 6/26/24 indicating there are no fire safety concerns for this project. The site accessibility and safety on Dolsontown Road has been reviewed by the fire department, the Planning Board, the Town Engineer, the Town's Traffic Engineer and the Town's Highway Superintendent. All their comments have been addressed. In addition, the project will comply with the NYS Building and Fire Codes to ensure all building safety issues are addressed.

Comment 3. Coordination - The applicant should coordinate with the City of Middletown regarding any potential impacts on the city, as this site is adjacent to the municipal boundary.

Response 3: **The City of Middletown was provided with a copy of the same referral package sent to OCP for review. Additionally, this project, along with others on Dolsontown Road, was the subject of a Generic Environmental Impact Statement (the "GEIS") developed pursuant to the New York State Environmental Quality Review Act ("SEQRA"). As part of that SEQRA review, the City of Middletown was identified as an "Interested Agency" and was afforded the opportunity to participate in the project review. As part of that review, comments were submitted by the City and addressed in the Final GEIS. Further, the City was provided notice of the September 11, 2024 public hearing on the application.**

Comment 4. Traffic Impacts - The current site plan shows that the proposed access point for this project is staggered from the proposed driveways for the Dewpoint South project. *Thus, The Town should ensure that the proposed driveway for this project and the nearby proposed projects and any active existing driveways are aligned to minimize the potential for traffic conflicts and/or potential vehicular and truck accidents.*

Response 4: **The locations of the various access drives were established upon the need to supply adequate intersection sight distances and stopping sight distances for each access based upon the 85% speed. The use of a 2-way left turn lane along Dolsontown Road allows for the simultaneous left turn entering movements to sites situated on opposite sides of Dolsontown Road.**

Furthermore, "T" type intersections have reduced conflict points, 22 versus a typical 4-way intersection where 32 conflict points exist.

Comment 5. Site Plan - We appreciate that the applicant has identified a specific location for snow storage that is away from the identified wetland area and the Monhagen Brook, as this helps to minimize the potential for pollution from melting snow.

Response 5: **Comment noted. No response needed.**

Comment 6. Site Plan - The applicant should utilize low-impact development design alternatives, such as rain gardens, banked parking spaces and permeable paving in the passenger car parking lot, to reduce the stormwater runoff and related flooding. Such measures would help to reduce the impervious surfaces at this site and the resulting stormwater runoff.

Response 6: **Quantitative and qualitative stormwater impacts have been appropriately mitigated in conformance with the current NYSDEC stormwater design standards for new development. The SWPPP is being reviewed by the Town as the MS4 authority and revisions to address final technical engineering**

comments, if any, can be a condition of the approval. Additionally, project modifications made in response to comments received from the Planning Board and its consultants resulted in the proposal of a decrease of .1 acres of impervious surface, an increase of .35 acres of revegetated surface and a decrease of 7 parking spaces.

Comment 7. Site Plan - The stormwater protection measures should be strictly enforced throughout the construction phase and the limits of disturbance should be clearly marked on the site and the plan.

Response 7: Routine stormwater inspections will be conducted during construction to ensure compliance with the approved SWPPP and all applicable erosion & sediment control measures as required by the NYSDEC General Stormwater Permit GP-0-20-001. Wetland boundaries and the limits of disturbance will be marked on the site prior to construction as required by the Town. Wetland boundaries are also depicted on the site plans.

Comment 8. Site Plan - The applicant should indicate where any proposed signs identifying this site will be located on this site.

Response 8: Proposed directional signage has been included on the site plans. The tenant signage requirements for the facility are not known at this time and are subject to the selection of an end-user for the facility and subject to compliance with the Town of Wawayanda's sign regulations. Tenant signage will need to be reviewed and approved by the Town through a separate sign permit application.

Comment 9. Site Plan - The applicant should use neutral colors on the proposed warehouse, as this will help ensure that the proposed building will blend in with its surrounding environment.

Response 9: Comment noted. The Planning Board was favorable to the building color scheme proposed in the architecture for RDM's Route 6 warehouse project and the applicant intends to use a similar architecture and color design for this project. Visual renderings have been provided to the Board for review with this submission and include the propose neutral color scheme of the building.

March 29, 2023 OCP Comments:

Comment 10. Traffic Impacts - 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. However, the applicants should clearly address our remaining concerns about the potential traffic impacts in this area. For example, *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. Furthermore, the applicants should also expand the traffic study to include the intersections of Route 17M and the 1-84 ramps.

Response 10: 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). NYSDOT traffic projections from 2017 to 2019, show a slight reduction in background growth. Notwithstanding, a 0.5% per year (for a total 5%) general background growth was utilized. It should be noted that 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.

Detailed roadway improvement plans for the Dolsontown Road Corridor have been submitted to the Town for review and approval that include the 2-way left turn lane geometrics on Dolsontown Road. Furthermore, design documents for the improvements along the NYS Route 17M Corridor including improvements to James P. Kelly Way, US Route 6 and I-84 Westbound Exit Ramp intersections with NYS Route 17M have been submitted to the New York State Department of Transportation (NYSDOT) that includes recommendations made by NYSDOT to support future traffic volume levels.

Comment 11. Traffic Impacts - 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. *Due to the anticipated long-term impacts on this stretch of roadway (i.e. the deterioration of pavement from heavy truck usage over time), the Town may want to consider the creation of a Transportation Improvement District to help with the roadway maintenance.*

Response 11: The Applicants will undertake the roadway improvements required as mitigation for the project, which obligations are contingent upon receipt of all necessary approvals from NYSDOT and any municipality under whose jurisdiction a particular improvement falls. These improvements will not only mitigate the potential impacts of the project to the maximum extent practicable but will also mitigate conditions anticipated to exist even in the absence of the Proposed Action under the No Build scenario. The Applicants agree to be responsible for the funding and construction of all improvements identified as

required mitigation in the SEQRA Finding Statement as supplemented by the Negative Declaration issued for the project. The Applicants also agree to furnish security consistent with Chapter 156, Article II of the Town of Wawayanda Code, including by way of a cash bond or irrevocable letter of credit in favor of the Town, in such form as may be approved by the Town Attorney, to guarantee completion of these improvements prior to the issuance of the first Certificate of Occupancy. Finally, the Applicants will be coordinating with NYSDOT on all traffic signal coordination. Based on the foregoing, a Transportation Improvement District is not required. Rather, the Applicant's obligations will be reflected in a Developer's Agreement that will be entered with the Town as a condition of the Project's approval.

Comment 12. Traffic Impacts - 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 is to work with Transit Orange to alter its Middletown Fixed Transit Route to include stops along Dolsontown Road.

Response 12: The improvements identified in the Traffic Impact Study—the funding and construction of which the applicants agree to be fully responsible for—will mitigate all potential significant adverse traffic impacts to the maximum extent practicable. Accordingly, no additional measures to reduce the number of trips to and from the warehouses are required pursuant to SEQRA. While not a SEQRA requirement, the Applicants are willing to coordinate with Transit Orange to facilitate adjustments to nearby transit routes.

Comment 13. Site Plan - We appreciate the applicant's intent to follow the recommendations of the International Dark Sky Association (IDA) for its outdoor lighting.

Response 13: Comment noted. No response needed.

Comment 14. Site Plan - We appreciate that the applicant of the proposed warehouse has designed its building to allow for the installation of solar panels in the future. We strongly encourage the installation of solar panels to help provide power for this warehouse and reduce the need for power from the grid. As previously said, the County of Orange has adopted the C-PACE Program that could be utilized to finance 100% of the cost of installing roof top solar panels. (See attached information sheet.)

Response 14: Comment noted. No response needed.

Comment 15. Archeological Impacts - The applicant should provide additional test pits in the northeastern portion of the construction area, in the vicinity of the proposed warehouse, 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.

Response 15: The NYS Office of Parks, Recreation, and Historic Preservation (SHPO) issued a memo dated January 3, 2022 stating that SHPO has reviewed the Archaeological Survey Report for the project and found that no historic properties, including archaeological and/or historic resources will be affected by the project.

The underlying survey report, a Phase IB Archaeological Field Reconnaissance Survey prepared by Hudson Valley Cultural Resource Consultants, LTD., dated November 2021 (the "Archaeological Report") is included within the project's FGEIS and was reviewed by the Planning Board, its consultants and SHPO. The Archaeological Report observes that the eastern and western portions of the parcel consist of steep slopes that rise to a hill, the apex of which is located east of the property boundaries and that the highest elevation of the site is in the northeastern corner.¹ The Archaeological Report indicates that: "*Areas selected for subsurface testing were identified during an intensive walkover inspection which evaluated the landscape to determine areas of prior disturbance, slopes in excess of 12% grade, saturated or wet soils and document evidence of former land usage.*"² In describing the survey methodology, the Archaeological Report reflects that: "*Testing began in the southeastern portion of the Project APE adjacent to the northern side of Dolsontown Road. The transects were aligned south to north and terminated at the steep slopes. The slopes descend into a wetland area located in the northwestern portion of the Project Parcel. Tests were completed adjacent to this wetland boundary at the base of the slope, and along the small level terraces*"³. Thus, the absence of test pits in the northeastern portion of the site relates to the steep slopes encountered in the area. Moreover, the Archaeological Report indicates that tests were completed at the base of the slope. This is reflected on the Field Reconnaissance Map included at page 25 of the Archaeological Report.

MHE Engineering:

Comment 1: The applicant's representative have provided a Draft Negative Declaration for the Board's consideration. The Negative Declaration addresses changes to the project since finding the statement adopted for the generic environmental impact statement process. The review of the SEQRA Comparison Chart reveals duminimus

¹ Phase IB Archaeological Field Reconnaissance Survey prepared by Hudson Valley Cultural Resource Consultants, LTD., November 2021, pages 1-4.

² *Id.* at 21.

³ *Id.* at 24.

changes to this site. The acreage for this site has reduced slightly with a total land disturbance increase of a ¼ acre. Seven less parking spaces are depicted on the plan.

Response 1: **Comment noted. The SEQRA Negative Declaration was adopted by the Planning Board at the 8/14/24 meeting. We note that while total land disturbance has increased by .25 of an acre, impervious surface has been reduced by .1 of an acre and revegetated surfaces have increased by .35 of an acre. Additionally, proposed parking spaces have been reduced by 7.**

Comment 2: The plans have been adjusted to modify the side yard set back 15 feet from the originally proposed 16 feet to 31 feet. Additional setback for the parking lot has also been provided.

Response 2: **Comment noted. No response needed.**

Comment 3: This project is to be subject to a Developer's Agreement to address off-site improvements.

Response 3: **As previously discussed with the Planning Board, the applicant will enter into a developer's agreement with the Town that covers the items noted above. Signing a developer's agreement will be a condition of the Board's approval.**

Comment 4: Financial security for off-site improvements will be required.

Response 4: **Comment noted. Financial security will be addressed by the above referenced developer's agreement.**

Comment 5: This project could be impacted by NYSDEC wetland regulation changes.

Response 5: **Comment noted. We understand that DEC's proposed new regulations include a grace period for the wetland jurisdiction shift of 2-3 years following the adoption of the new law on January 1, 2025 for projects that have received Planning Board approval. We will continue to follow the development of the regulations.**

Comment 6: This project must be submitted to the City of Middletown as this is within 500 feet of the city boundary.

Response 6: **See OCP Response #3 above.**

Comment 7: The project requires Health Department approval for water main extension with hydrants.

Response 7: **See OCP Response #1 above.**

Comment 8: The final sign off SWPPP and municipal authorization are required.

Response 8: **Comment noted. We await any final SWPPP comments.**

Comment 9: Comments from the Town’s Landscape Architect on the revised landscaping should be received.

Response 9: The Town’s Landscape Architect issued a memo dated September 3, 2024 indicating that the previous comments have been addressed to his satisfaction and recommends the board accepted revised Landscape Plans.

Comment 10: The Planning Board may wish to review the renderings of the building. Building is proposed at 50 feet based on bulk table.

Response 10: Building renderings have been prepared and included with this package for the Board’s review, as suggested.

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

Cory Robinson, P.E.
Project Manager