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February 3, 2025

John Razzano, Chairman
Town of Wawayanda Planning Board
80 Ridgebury Hill Road
Slate Hill, NY 10973

RDM, Dewpoint South - Dolsontown Road (RDM #3)
SBL: 4-1-50.32, 6-1-90.22, 6-1-90.24, 6-1-107
Town of Wawayanda, Orange County, NY
Project No. 20006912E

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

Dear Chairman Razzano and Members of the Planning Board,

Below please find our responses to comments raised by the public during the public hearings on the site plan and special use permits for the above-referenced Dewpoint South and Dewpoint North projects (collectively, the "Projects") that took place on October 23, 2024. At your request, we are treating the comments received during each hearing as comments on both Projects. Thus, we have consolidated our responses into this single document, to be submitted into the record for both Dewpoint North and South. If a comment expressly pertains to only one of the Projects, that is noted below. Please note that all substantive comments have been summarized and repeated below for ease of review.

As the Planning Board is well aware, the Projects have been the subject of an extensive public review process. A Draft Generic Environmental Impact Statement ("DGEIS") was filed and distributed on May 17, 2022. A 67 day public comment period followed, during which two public hearings were held on June 8, 2022 and July 13, 2022. More recently, public hearings were held on September 11, 2024 and October 23, 2024 as the Planning Board progressed with its site plan and special use permit review of the Projects.

The DGEIS process culminated in the adoption of a Final Generic Environmental Impact Statement ("FGEIS") on March 8, 2023. The FGEIS was publicly available for 49 days, after which SEQRA Findings were adopted on April 26, 2023.

The Findings Statements for each project concluded that, both individually and collectively, the Projects avoid or minimize adverse environmental impacts to the maximum extent practicable, and that no other potential impacts of any individual project are anticipated to have a potential significant adverse impact on the environment.

Subsequent to the issuance of the Findings Statement, both Projects were modified. Those modifications were detailed in submissions to the Planning Board, and summarized in each of the respective SEQRA Negative Declarations that were issued for each project at the Planning Board's August 14, 2024 meeting. In issuing the Negative Declarations, the Planning Board determined that each project would not have a significant adverse environmental impact and that a draft EIS would not be prepared. Moreover, the Planning Board found that no supplements or amendments were required to the previously adopted SEQRA Findings Statements for each project.

Comments and Responses

Comment 1: Several people expressed concerns that some of the SEQRA documents related to the Projects were not readily available for public viewing. Specifically, it was expressed that documents were not available in a digital format prior to the September 11th meeting.

Response 1: At all points during the Planning Board's review of the Projects, submitted documents have been available pursuant to the New York State Freedom of Information Law. At the request of the public, to further facilitate access to documents, as of September 30, 2024, all project submissions along with related materials were posted online in chronological order and made available on the Planning Board's website. The documents are available at the following links:

Dewpoint South: <https://colliersengineering.com/dewpoint-south>

Dewpoint North: <https://colliersengineering.com/dewpoint-north>

The FGEIS and all related documents have been posted online since they were developed during the 2022 to 2023 time period and continue to be available at the following link:

<https://colliersengineering.com/dolsontown-corridor-dgeis>

Comment 2: Several people commented that the studies done to date need to be updated to account for cumulative impacts from all the warehouse Projects or that a Supplemental EIS should be completed to avoid segmentation of the Dewpoint North and South Projects from the other warehouse Projects.

Response 2: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were responded to in a letter from Collier's dated October 11, 2024, Response 2.

With respect to all other areas of potential environmental impact, the Planning Board has concluded that the Projects will not individually or cumulatively result in any significant adverse environmental impacts. Therefore the development of a Supplemental EIS is unnecessary.

We note further that this submission includes a cumulative air quality assessment for the projects, which concludes that the projects are not anticipated to adversely impact background air quality conditions based on the minimal long-term emissions originated from site operations and a review of traffic data. Moreover, since our last submission, an updated Traffic Impact Study ("TIS") dated as of December 9, 2024 was prepared and submitted to the Planning Board, with respect to the unrelated "Project Bluebird". This TIS is cumulative in that it considers the cumulative impacts for all of the

projects proposed along Route 6 and Dolsontown Road, as well as the County Route 56 Project. It concludes that no additional mitigation is required in the vicinity of Route 17M, I-84 and Route 6, other than at the access point for project Bluebird, which will be addressed by that project. This updated TIS is being provided electronically with this submission, for inclusion in the record for both the Dewpoint North and South projects. Further this TIS is being updated at the request of NYSDOT to include the RDM project on Route 17M in Goshen, which will be supplied to the Planning Board upon completion.

Finally, included in this submission is a memo addressing the potential noise impacts of the Dewpoint North and South projects. In addition to addressing compliance with the newly adopted noise law during both the evening and daytime hours, the analysis in the memorandum considers the potential cumulative impact of noise along the Dolsontown corridor, and concludes that no significant adverse impact will result.

Comment 3: One person commented that a Supplemental EIS should be completed to account for the proposed increase in building footprint for Dewpoint South.

Response 3: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were responded to in a letter from Collier's dated October 11, 2024, Response 3.

The increase in building size at Dewpoint South has been closely reviewed by the Planning Board and its consultants, with the current design representing the culmination of an iterative process addressing all comments of the Planning Board and its consultants raised to date. Where appropriate, studies were updated. Please also see Response 2 above.

Comment 4: Several people expressed concerns about whether there are any financial benefits flowing from the Projects; these concerns include whether the Projects would contribute to taxes and whether they would enter into PILOT programs. One person commented that Middletown is receiving money for their library, while Wawayanda won't receive the same benefit because they don't have a library. One person also requested an opportunity cost study be done to demonstrate the direct economic benefits to the community.

Response 4: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were responded to in a letter from Collier's dated October 11, 2024, Response 6.

The Fiscal Impact Studies were based on existing tax districts, hence the reference to a specific library line item in one instance. The projects would be subject to the Town's authority to impose additional taxes in the future subject to applicable law.

Comment 5: Several people suggested that there is known contamination at the Project sites and that, as a result, the soil should be tested. Multiple persons specifically stated that the Projects were located on or adjacent to a superfund site, the Middletown Dump and were concerned with the possibility that leaching from the nearby superfund site could occur. One person also questioned why the Middletown Dump was not identified in any of the Environmental Assessment Forms.

Response 5: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were responded to in a letter from Collier's dated October 11, 2024, Response 9.

Comment 6: Several people suggested that more soil tests needed to be completed. One person said that an engineer related to the Project had previously stated that two more soil tests needed to be done.

Response 6: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were responded to in a letter from Collier's dated October 11, 2024, Response 10.

A Geotechnical Investigation Report and Infiltration Results have already been completed as part of the Project's SWPPPs. The report can be found in Appendices 15 and 16, respectively, of the SWPPPs. Additionally, the report demonstrates that the soil of both sites has been extensively evaluated through soil boring tests and excavated test pits.

Comment 7: Commenters expressed concerns about potential drinking water pollution from the Projects, and that the Dolsontown Projects are so close in proximity to each other that if contamination did occur the source would be difficult to identify.

Response 7: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were responded to in a letter from Collier's dated October 11, 2024, Response 11.

Comment 8: Several people raised general concerns about traffic impacts associated with the Projects, including increased traffic and/or congestion on Dolsontown Road, Dolson Avenue, and 17M. Some commented that an updated, "cumulative" traffic study should be performed. One person commented that the traffic study is flawed but did not specify in what aspects.

Response 8: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were responded to in a letter from Collier's dated October 11, 2024, Response 12.

Please also see Response 2 above, which discusses the updated TIS included with this submission.

Comment 9: Several people raised concerns that traffic and/ or congestion will inhibit emergency response times.

Response 9: Because of the mitigation required of the projects, all project impacts have been appropriately mitigated, such that the no-build and build traffic conditions are similar. Accordingly, the projects will not result in a significant adverse impact on traffic, inclusive of emergency response times.

Comment 10: Several people commented that even though there are posted vehicle limits, there is no regulation of such limits. One person suggested that regulation and enforcement are an added cost to the Town and that RDM should pay for it.

Response 10: The Project site and its surrounding area are served by several law enforcement agencies including the New York State Police Department, the Orange County Sheriff, and the Middletown Police Department. It is anticipated that law enforcement will be able to continue to

address and enforce traffic laws, in the same manner they do now. See also, the discussion in Response 2 relative to the mitigation of cumulative traffic impacts.

Comment 11: Several people commented that they wanted to know what would be stored inside the warehouses or what they would be used for. One person commented that there was concern that the warehouses would have loud machinery or would sit vacant and become a tax burden.

Response 11: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were addressed in a letter from Colliers dated October 11, 2024, Response 16.

Comment 12: Multiple people commented that a balloon study should be performed in order to better understand the visual impacts of the Projects. Several people also noted that vacant warehouses would be an eyesore to the current countryside of the Town.

Response 12: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were addressed in a letter from Collier's dated October 11, 2024, Response 19.

Comment 13: Several people commented that additional studies should be done to address the air quality impacts of the Projects. One person specifically stated that public health impacts from air pollution including respiratory and cardiovascular issues, particularly in children, needed to be addressed.

Response 13: To address concerns related to the air quality impacts of the proposed development, the Applicant has prepared an Air Quality Study, included with this submission.

The study concludes that the projects will not have a significant adverse air impact, noting, among other things that:

- The projects are not anticipated to adversely impact background air quality conditions based on the minimal long-term emissions originating from site operations and a review of traffic data. Based on surrounding facility information, it is unlikely that air pollution (above background levels) will occur that affects the projects.
- Further air quality analysis is not necessary since the projects will not change existing conditions to such a degree as to jeopardize attainment of the National Ambient Air Quality Standards (NAAQS) established by the EPA to protect public health and welfare.

Comment 14: Several people commented that noise, resulting from truck traffic was of concern to the community and they are requesting a noise study. One person also asked how noise from condenser units, cooling towers, and other utility structures would impact the community.

Response 14: A noise study was prepared, taking into consideration the cumulative impacts of the projects along Dolsontown Road, as well as the recently adopted changes in the Town's noise law. The study concludes that the Dewpoint North and South projects will be in compliance with the Town's

noise code requirements pertaining to the levels at the adjacent property lot lines during both daytime and nighttime hours. Moreover, given the compliance with the law, the mitigation measures that will be implemented and the minimal increase in noise levels, no significant adverse environmental impact will result.

Comment 15: One person commented that the Project impact has not fully considered biodiversity and they would like to see a survey completed of endangered species, not just information on known or reported occurrences taken from the DEC's website.

Response 15: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were addressed in a letter from Collier's dated October 11, 2024, Responses 23 and 24.

Comment 16: Several people commented that the potential for bat habitat at the Project sites was not adequately studied. One person commented that an evaluation must be conducted according to the Endangered Special Act to protect bat habitat. Another person said a survey should be done to ensure no impact will result on the bat population since there are roosting trees within 2.5 miles of the Project Site and hibernacula within 10 miles of the Project Site.

Response 16: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were addressed in a letter from Collier's dated October 11, 2024, Response 24.

Comment 17: A few people raised general concerns about the impacts on wetlands from the Project and one person noted that the State wetland regulations, which will take effect in 2025, should apply to the current Project.

Response 17: The new DEC regulations provide for a grace period on projects that received a SEQRA negative declaration prior to January 1, 2025, which applies to this project. The SEQRA Negative Declaration was adopted by the Planning Board at the August 14, 2024 meeting making this project exempt from the new DEC wetland law during the applicable grace period.

Comment 18: One person commented that a previous question about the Heritage Trail was noted in the Applicant's prior response but how the Project will impact the Heritage Trail as a scenic/aesthetic resource was not answered.

Response 18: As noted in Response 2 of our October 11, 2024 submission, a Viewshed Study with detailed visual simulations/renderings to assess the visibility of all Dolsontown Corridor projects from certain sensitive receptors was conducted, including I-84 and various points along the Heritage Trail. Based upon the results of the Viewshed Study, the Planning Board concluded that the Projects would not result in any significant adverse impacts to aesthetic resources.

Comment 19: Several people expressed concerns about the status of the Developer's Agreement and whether that agreement (and bond if any) would be available for the public to view and comment on.

Response 19: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were addressed in a letter from Collier's dated October 11, 2024, Response 27.

Comment 20: One person expressed concern that the wetlands at the Project Sites have not been properly surveyed, delineated, and studied for quality and function. Another person noted that a proper wetland delineation should be done.

Response 20: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were addressed in a letter from Collier's dated October 11, 2024, Responses 25 and 30. See also response 17 above. Please see also the discussion of wetlands in the "Surface Water" section of the respective SEQRA negative declarations for each project.

Comment 21: One person commented that neither EAF identifies the Monhagen Watershed Conservation Management Plan nor the EAF narrative ignores requirements to conserve the watershed.

Response 21: While neither EAF identifies the Mohagan Watershed Conservation Management Plan, the SWPPPs specifically note the Monhagen Brook and address how stormwater runoff will be managed to minimize impacts to the Monhagen Brook and ultimately the Monhagen Watershed.

Comment 22: Several people commented that the Applicants are not entitled to a Special Use Permit "as of right."

Response 22: Similar comments and concerns were raised at the public hearing on September 11, 2024, and were addressed in a letter from Collier's dated October 11, 2024, Response 32.

Comment 23: Several people commented that the Town does not have the expertise nor staff to monitor or enforce compliance with Project construction at this magnitude.

Response 23: Please see response 29 of our October 11, 2024 submission. Further, we note that since that submission, that town has also retained the services of a professional planner to supplement the review assistance provided by its existing professionals.

Comment 24: Several people are concerned that the Planning Board does not have the expertise to properly evaluate and make competent determinations regarding the Project. Others expressed their opinion that the Planning Board should not be the lead agency for the SEQRA process given the scope of the Project.

Response 24: Please see response 23 above. Pursuant to 6 NYCRR Part 617.2(v), the Planning Board fits squarely into the definition of a Lead Agency, which "*means an involved agency principally responsible for undertaking, funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required.*" Moreover, we note that the following agencies have been consulted as either interested or involved agencies pursuant to SEQRA requirements:

- New York State Department of Transportation
- New York State Department of Environmental Conservation
- Orange County Health Department
- New York State Office of Parks, Recreation and Historic Preservation

- Town of Wawayanda Highway Department
- Town of Wawayanda Town Board
- City of Middletown
- Town of Wallkill
- New Hampton Fire Company
- Orange County Department of Planning
- Orange County Department of Public Works
- Town of Wawayanda Building Department
- U.S. Army Corps of Engineers

Comment 25: Several people commented that they were concerned the traffic and noise generated by the Project will impact their property values.

Response 25: We refer you to the fiscal benefits of the projects discussed in the fiscal impact statements. With respect to impact on property values, we note that the projects are a permitted use (with special use permit approval), consistent with the Town's zoning code. Further, there are many factors that affect the home values in the area unrelated to the project, including household trends, building maintenance, employment opportunities and projections, demographics, population growth, convenience to shopping, education and services, school district quality, neighborhood quality and various other factors.

Comment 26: Several people expressed concerns that the Project Sites are in demographically low-income areas and will result in a miscarriage of environmental justice.

Response 26: The years long environmental review associated with these projects, discussed at the beginning of this letter, resulted in conclusions that the projects avoid or minimize adverse environmental impacts to the maximum extent practicable, and will not otherwise have a significant adverse environmental impact. These conclusions apply to all potentially affected communities. These conclusions are consistent with and further supported by the updated traffic, air and noise studies supplied with this submission.

Additionally, we are aware of draft regulations published by NYSDEC on January 29, 2025 concerning disadvantaged communities. Seemingly recognizing the validity of concluded SEQRA reviews, pursuant to proposed revisions to 6 NYCRR Part 617.19, NYSDEC has indicated that its revised regulations do not apply to actions for which a determination of significance has been made prior to the effective date of its proposed regulations. In this instance, SEQRA Findings Statements pursuant to a Final General Environmental Impact Statement have issued, along with SEQRA negative declarations.

Comment 27: Several people expressed concerns that Dolsontown Road cannot handle the truck traffic being proposed by the Project and will result in deteriorated roads.

Response 27: Please see Response 2 above. Please also note that improvement plans for Dolsontown Road include a more substantial roadway pavement section based on NYSDOT guidelines and is designed to support the anticipated future truck traffic levels.

Comment 28: Several people commented that there are discrepancies or misinformation within the documents submitted by the Applicant and allege that the Applicant has failed to answer questions from prior public hearings.

Response 28: The Applicant and its consultants have continuously addressed and corrected any discrepancies within the submitted documents. Furthermore, the Applicant has been committed to the transparency of information by making all submitted documents accessible through the Colliers website platform. The Applicant has continued to respond to all public comments made at the hearings or in writing as evidenced by this response letter and the prior response letter dated October 11, 2024.

Comment 29: Several people have asked that the public hearings remain open until the Town's Planner or other third-party consultants have had the opportunity to review the Project documents. Similarly, several people were concerned that the Projects have been rushed through approvals and more time is needed to address their impacts.

Response 29: As described in the introductory paragraphs of this response letter, the opportunity for the public and other involved agencies to comment on the Project has been open and accessible since the inception of the projects, particularly during the lengthy SEQRA review. Notably, spanning 2022 and 2023, the DGEIS was subject to a 67 day public comment period and two public hearings, the FGEIS was publicly available for 49 days prior to the adoption of SEQRA Findings and two additional public hearings have since been held on September 11, 2024 and October 23, 2024.

Comment 30: A few people are concerned that the development of warehouses, like the Project, will result in the County revoking the Town's agricultural classification/standing in 2028.

Response 30: The project is consistent with the Town's Comprehensive Plan and the requirements of the MC-1 Zoning District and its development will be compatible with the local zoning regulations and the character of the surrounding area.

Comment 31: One person asked why there are no plans for EV Charging Stations.

Response 31: While charging stations are not currently contemplated, the need will continue to be evaluated as necessary, including by the ultimate site occupants.

Comment 32: There were several comments that the Projects and other similar proposed developments in the area will have negative impacts to the quality of life of Wawayanda and Middletown residents.

Response 32: The project is consistent with the Town's Comprehensive Plan and the requirements of the MC-1 Zoning District and its development will be compatible with the local zoning regulations and the character of the surrounding area. The years long environmental review associated with these projects, discussed at the beginning of this letter, resulted in conclusions that the projects avoid or minimize adverse environmental impacts to the maximum extent practicable, and will not otherwise

have a significant adverse environmental impact. These conclusions are consistent with and further supported by the updated traffic, air and noise studies supplied with this submission.

Comment 33: A few people commented that the Applicant should be prevented from drilling a well if they should require an additional water source and/or should be charged for excessive water usage.

Response 34: The Projects anticipate receiving water from the Middletown water system. There are no plans to drill a well for use by the Projects. The Applicant will pay the required charges associated with obtaining and using water service from Middletown.

List of Commenters

Albertson, Alicia: See Comments 13, 19, 25, 26

Albertson, George: See Comments 8, 28

Cowit, Dina: See Comments 14, 23

Garcia, Christopher: See Comments 14, 19, 24, 29

Gomez, Kevin: See Comments 26, 29

Hanes, Leslie: See Comments 1, 2, 4, 5, 10, 18, 19, 29

Hunter, Steven: See Comments 12, 30

Jados, Donna: See Comments 7, 12, 13, 14,

Joseph, Alan: See Comments 17, 22, 24, 28, 29

Kangethe, Charles: See Comments 5, 24, 28, 29

Kaye, Ellen: See Comments 11, 14

Laks, Fern: See Comments 5, 6, 29

Laks, Melissa: See Comments 11, 28

Locicero, Erica: See Comment 8

Malick, Pramila: See Comments 1, 2, 5, 13, 15, 16, 17, 21, 24, 28, 29

Martin, Michael: See Comments 2, 7, 8, 12, 19, 27

Mazella, Liza: See Comment 11

Nunez, Alberto: See Comments 9, 10,

Patterson, Julie: See Comments 8, 9, 29

Pendleton, Ann Marie: See Comments 5,6,13, 17, 28,

Pendleton, Molina: See Comment 14

Post, Connor: See Comments 4, 11, 28, 29

Santo-Salimondo, Rosemary: See Comment 32

Savold, Bud: See Comment 10

Schaffer, Alan: See Comment 13

Schivo, Dan: See Comment 25

Sontag, Paul: See Comments 16, 27, 33

Stevens, Alan: See Comments 2, 29

Sussman, Michael: See Comments 2, 6, 11

Thompson, Ray: See Comments 8, 9

In addition to the above, the below pertains specifically to the written comments Submitted by Save Wawayanda and Protect Orange:

Traffic

- 1. Did anyone consider the effect on Horizons of Wawayanda's entrance and exit due to the increased traffic on Route 17m and Route 6. Yes or No (referring to the traffic study is not adequate)?**

Response: No, existing points of access to private facilities are not specifically evaluated as part of a Traffic Impact Study as evaluations are typically limited to public roadways and intersections. As identified in the TIS, the conditions anticipated under the Build condition with mitigation measures in place are not dissimilar to those expected under the No-Build condition.

- 2. Has the applicant or the traffic study consulted with the Middletown and Minisink School districts to examine how the increased traffic would impact school bus travel times and children's safety? Yes or No?**

Response: No. Because of the mitigation required of the projects, all project impacts have been appropriately mitigated, such that the no-build and build traffic conditions are similar. Accordingly, the projects will not result in a significant adverse impact on traffic, inclusive of school bus travel times.

- 3. Were emergency services made aware and did they adjust their plans for responding to incidents at Wawayanda? Yes or No. If yes please explain how.**

Response: Yes. The New Hampton Fire Company is an interested agency under SEQRA and accordingly has been provided with all relevant documents for purposes of reviewing environmental impacts from the Projects. Their comments have been reviewed and responded to.

- 4. Were the Horizons Property Managers and residents independent of each other made aware of the proposed project and need to coordinate with Emergency resources? Yes or No. If the residents were not directly informed please state that.**

Response: All residents within 500 feet of the project were provided proper notice for the initial public hearing that was held on September 11, and October 23, 2024 as required by the Town's Zoning Code. Notice of the hearing was also published in a local newspaper as required by the Town's Zoning Code and notice was posted on the Town's website. Residents appeared at the hearing and were provided with an unlimited opportunity to speak about the project, demonstrating that notice had been received as required by law.

- 5. Was an add-on performed to the traffic study regarding school traffic? Yes or No?**

Response: See response to Question 2 above.

- 6. Is the Town or Taxpayers ultimately responsible for the care and maintenance of these roads? Yes or No? If the answer is no please specify exactly who will be responsible for road repairs. If the answer is Yes, please estimate the cost to taxpayers.**

Response: As discussed in Response 27 above, improvement plans for Dolsontown Road include a more substantial roadway pavement section based on NYSDOT guidelines which will be designed to support the anticipated future truck traffic levels. The construction and maintenance of the roadway improvements will be addressed by the Developer's Agreement that will be entered as a condition to any approval to issue for the projects.

- 7. Did the traffic study include the new warehouse projects in Goshen just off 17M, the new warehouse at Playtogs Plaza, and the Amy's Kitchen? Yes or No? If not, why not? Does the traffic study account for prospective tenants and activity at the Home Depot and Winery once occupied? Yes or No?**

Response: No, traffic generation that may occur by the redevelopment of an existing site and/or development of a more remote site is considered as part of the area-wide background traffic growth.

- 8. The traffic study that the applicant continually cites was submitted in May 2023. The applicant claims that it included the Route 6 RDM7 project. However, this project submitted their application in May 2023? If this project was planned before the FGEIS was issued in March 2023 why wasn't the GEIS revised then?**

Response: Please see response 2 above, which discussed the updated TIS submitted as of December 2024.

- 9. On page 3 of the last paragraph in the October 11th response to public comment the applicant states that an updated traffic study was submitted on June 6, 2024. Is this posted on the Town website? Yes or No? If not why not? If not it should be made available to the public and a public hearing held to receive comments on it. We do not see this on the website as of today.**

Response: That traffic study has been available via FOIL since its submission, and is posted on the Town's website. Further, the updated TIS is being posted to the website along with this submission.

- 10. Will trucks from these projects be prohibited from traveling into Minisink or taking any side roads? Yes or No? If the answer is yes what enforcement mechanism will be in place to ensure they stay on their designated routes? If the answer is No then what will be done to protect residents on side roads and the small roads from wear and tear? Who will pay for this?**

Response: Yes, other than for local deliveries. The warehouse type trucks (WB-67 tractor trailers) are limited to use roadway designated as Qualified and/or Access Highways such as US RT 6, RT 17M and I-84.

Noise

- 11. Will there be a sound barrier wall shielding all residential properties and the Heritage Trail? Yes or no?**

Response: No. The Dewpoint projects are not immediately adjacent to the Heritage Trail. Moreover, included in this submission is a memo addressing the potential noise impacts of the Dewpoint North and South projects. In addition to addressing compliance with the newly adopted noise law during both the evening and daytime hours, the analysis in the memorandum considers the potential cumulative impact of noise along the Dolsontown corridor, and concludes that no significant adverse impact will result.

- 12. If not how do they plan on mitigating noise from the trucks and warehouses activities?**

Response: The noise memo submitted with this response identifies the mitigation that will be implemented.

- 13. Why are 24-7 hour operation hours if we don't know who the tenants are? 24-7 operations-noise in the middle of the night just feet away from residential areas will create an impact on us.**

Response: The cumulative noise analysis contained in the memo provided in this submission assumes 24-7 operation. It demonstrates compliance with the newly adopted noise law during both the evening and daytime hours.

14. Please identify the make and model of the equipment you used to measure sound levels and how they were calibrated.

Response: The measurements were conducted utilizing a Brüel and Kjaer Type 1-Precision integrating Sound Level Meter – Type 2236. The meter was calibrated prior to actual measurements using a Brüel and Kjaer Acoustical Calibrator Model No. 4231. The measurements and calibration procedures followed were completed in conformance with American National Standards Institute (ANSI) and NYSDEC criteria.

15. Since The Town does not have a noise ordinance what will you do to ensure that the noise does not exceed the levels you are representing during construction and operation? Are you willing to make noise parameters conditional to your permit? Yes or No. Are you willing to place noise limits on any lease to prospective tenants or contracts for sale/resale?

Response: Since the submission of these comments, the Town has adopted updated requirements relative to noise impacts. Please see the study included in this submission. We anticipate the noise ordinance will be enforced by the same means as other code provisions.

16. The noise analysis did not analyze or quantify the natural noise barrier provided by the forested and shrub area designated for removal. Will you require or the applicant agree to revise the noise analysis to quantify and include the removal of natural sound barriers?

Response: The noise analysis was completed for “leaf off” conditions and therefore there is no significant benefit from any reduction in levels due to existing vegetative effect so there is no need for any reevaluation

17. Are you willing to make noise limitations a condition for any lease agreement? Yes or No?

Response: We do not believe this is necessary. As indicated above, we anticipate the noise ordinance will be enforced by the same means as other code provisions.

18. Earth berms or noise walls can reduce noise by 7-10 decibels. Is the applicant willing to construct these along all of their projects and all noise-sensitive areas like residences and parks. Yes or No? If not why not?

Response: Based on the noise study included in this submission, such additional mitigation is not necessary to comply with the noise ordinance or to avoid any potential significant adverse impact related to noise.

19. According to a realtor.com study, sellers of homes within a 2-mile radius of an airport will discount prices 13.2% from the going rate of other homes in the same ZIP code; sellers will also offer discounts for close proximity to railway tracks (12.3%) and highways (11.3%). Another study by upnest.com says: “A noisy atmosphere is a sure way to drive down the value of a home. A home valued at 500K can drop nearly \$40,000 in value when affected by road noise pollution. A recent study showed 50% of buyers won’t consider a home with road noise. The noise drives down the overall value. The safety of children and pets are also factors. Road noise pollution also has negative effects in other areas such as:

- Lack of privacy in your home
- Dust and pollution
- Parking for yourself or guests
- Negative health effects
- Hypertension
- Sleep disorders

Is the applicant going to be required to compensate nearby homeowners for loss of property value? Yes or No? If not who will be responsible for this cost? Will nearby homeowners have their property taxes reduced because of these nuisances? Yes or No? Who will be responsible for these economic losses?

Response: No. As noted in the noise study included in this submission, in addition to the projects being in compliance with the Town’s latest noise code requirements pertaining to the levels at the adjacent property lot lines during both daytime and nighttime hours, based on the current ambient background levels due to primarily overnight traffic on I-84 and other existing sources in the area, the noise levels will not be significant and thus not result in a significant adverse noise impact.

Wetlands

20. Has the Army Corps of Engineers Feb 2024 datasheet been used to assess the wetland delineation (DEC correspondence recommended reviewing updated definitions even for conditional projects)? Yes or No? While the applicant asserts that it does not make a difference a new study should be done with a new sign-off from the ACOE. If the applicant still insists that it is not necessary please get a letter from ACOE concurring.

Response: Please see Response 25 of our October 11, 2024 submission.

21. Identify any hydric soils.

Response: Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long duration storms. The soils in the United States are assigned to four groups (A, B, C, and D). All of the soils existing on site have been identified through the NRCS WSS as HSG ‘D’ Soils.

See project SWPPP's:

- Dewpoint North – Appendix 8 'NRCS Hydrologic Soil Mapping'
- Dewpoint South – Appendix 8 'NRCS Hydrologic Soil Mapping'

22. Is the applicant willing to adhere to the new Wetlands Regulations to be implemented by the NYSDEC in January 2025? If not why not?

Response: The new DEC regulations provide for a grace period on projects that received a SEQRA negative declaration prior to January 1, 2025, which applies to this project. The SEQRA Negative Declaration was adopted by the Planning Board at the 8/14/24 meeting making this project exempt from the new DEC wetland law.

23. Will the board require or is the applicant willing to agree to a new and more thorough wetlands delineation using a community-approved consultant? Yes or No If not why not?

Response: The substance of the existing wetlands investigation and review does not indicate that this is necessary.

EAF

24. The EAF Part 1 has missing, incomplete, inconsistent, or inaccurate information. Will the applicant resubmit their application with a correct and complete EAF. Yes or No. If not please explain why not. If yes, will they open a new public hearing to respond to that?

Response: Revised EAFs have been provided throughout the development of the project as appropriate. There have been no material issues which bear on the validity of the exhaustive SEQRA process.

25. The RDM 3 and 4 sites were once part of the same historic farm the Issac Dolson farm for which Dolson Ave and Dolsontown Rd are named. This was at one time 700 acres that was later sold to David Carpenter. There have been historical deed restrictions on the entire farm. Did you have a Title company evaluate all the properties for deed restrictions Yes or No. If yes please make these documents available to the public. If not please agree to do so.

Response: Deed restrictions are outside the purview of a Planning Board's decision. Planning Boards may only consider aspects of a project that impact public health, safety, and community welfare. Moriarty v. Planning Board, 119 A.D.2d 188 (1986).

Emergency Resources:

26. Was a detailed Emergency Plan provided for RDM 3 and 4 that considers all of the other projects? Yes or No?

Response: Construction and operation of the sites must comply with the New York State Uniform Fire Prevention and Building Code and Chapter 54 of the Town Code related to Building Construction, Maintenance and Fire Protection. The projects are subject to these and all other applicable provisions of the Town Code, subject to the review of the Town's Code Enforcement Officer.

27. Was the CPV emergency response plan and requirements considered in your emergency response review? Yes or No If the answer is yes please identify the factors at CPV that you considered in your review?

Response: The proposed warehouses are vastly different in operation, functionality, and impact than the CPV Valley Energy Center and will be used for delivery and storage of goods only. As previously stated the applicant will abide by the Town's Code, Chapter 54 and New York State Uniform Fire Prevention and Building Code.

28. Did you consult with the local hospitals and ambulance companies to ensure that traffic from these projects collectively will not impact their emergency services?

Response: See Response 9 above.

Site Plan:

29. How high will the parapet walls be? What is the exact measurement? How high will it stand above ground level? What kind of equipment will be used for heating and cooling? Building Height on plans doesn't require a variance.

Response: The height limitations contained in the Zoning Law will be complied with and no variances are necessary. The building height of Dewpoint North is proposed to be 55 feet, where 65 feet is permitted. Likewise, building height of Dewpoint South will be 65 feet or less, where up to 65 feet is permitted. Parapet height. varies based on roof pitch and in all instances will be below the maximum height limitation of 65 feet.

30. Why is Monhagen Brook not clearly and prominently identified in your SEQRA documents and site plan with scaled dimensions? Is the applicant willing to follow with and confer with the plan? Yes or No? If not why not?

Response: The Monhagen Brook's status as an impaired waterway on the NYS 303D list was specifically discussed in each of the respective SEQRA Findings Statements for the projects¹. Moreover, Mitigation Findings C.1 through C.7 provided for in the respective SEQRA Findings Statements will help ensure there is no significant adverse environmental impact to the Monhagen.

¹ The Findings Statements refer to "Monhagen Creek".

Storm Water Discharge:

31. How will you protect the Monhagen Brook? Did you consult with the Monhagen Brook Watershed Conservation Plan on the issue of SWPPP. Yes or No. If not why not?

Response: See Response to Question 30.

32. Will you agree to infiltration testing? Yes or No? If no, why not? If yes will you make the results available for public review?

Response: Infiltration testing has already been completed as part of the SWPPP preparation. Results of the Geotechnical Investigation Report and Infiltration Tests can be found as Appendix 15 and 16, respectively, of the Project's SWPPPs.

33. Chapter 154 of the Town Code prohibits any discharge of contaminants to stormwater or soil. What mechanisms will be in place to monitor and sample soil for contaminants by the town? Will that information be made available to the public? If contaminants are found how will you determine if they are a result of the applicant's activities or the tenant's activities without baseline testing of water and soil samples?

Response: Please see the response to Question 30 above.

34. Are you willing to test the water and soil for the following chemicals to get baselines to ensure accountability if contaminants are later found? Yes or No. If not why not?

Response: No, as this is not necessary or required. The SWPPS will be complied with, along with all applicable NYSDEC laws and regulations related to materials handling and spills.

Archaeological/Cultural Resources

35. Were the fields plowed before conducting the archaeological surveys? Y or N If not why not?

Response: No, according to the Phase 1B Archaeological Assessments included in the GEIS, the fields were not plowed. As detailed in the methodology of the Assessments (page 21 of the Phase 1B) the survey was completed with a series of shovel tests. The areas where the shovel tests were performed and the results are contained within the respective Phase 1B Assessments.

36. The old Caskey Lane house is not identified as a historic structure. Why not? Do you plan to preserve the house? Yes or No?

Response: The Caskey Lane house is identified on page 13 of the Phase 1A and 1B Archaeological Assessments for both Dewpoint North and South (Appendix A and B of the GEIS, respectively). Furthermore, the Archaeological Assessments note that the National Register Database and OPRHP files were reviewed to identify structures on or in the vicinity of the Project parcels that

have been listed on the National Register of Historic Places or identified as National Register Eligible. The Caskey Lane house was not identified as a historic property in either in the National Register Database or the OPRHP files. Since the house is not deemed historically significant the Applicant has not made plans to preserve it.

37. What is the total acreage of previously disturbed soils on the site?

Response: Both Archaeological Assessments identify that the sites have been agricultural land for a significant portion of the nineteenth and early twentieth centuries.

38. Orange County Planning Department recommended additional soil testing. Was this done yes or no? The correct method of soil test is to plow the fields first and then test. The tests that were done were not very deep. Why is that? Did the investigators hit bedrock?

Response: Please see Response 3 of our October 11, 2024 submission. This comment was also responded to in our September 11, 2024 submission. Both responses explain that the absence of test pits in the area is the result of the presence of steep slopes. The response notes that tests were completed at the base of the slope. A full description of the investigation is contained in the Phase IB Archaeological Field Reconnaissance Survey prepared by Hudson Valley Cultural Resource Consultants, LTD., dated November 2021, which was included within the project's FGEIS and was reviewed by the Planning Board, its consultants and the NYS Office of Parks, Recreation, and Historic Preservation (SHPO). Following its review, SHPO issued a memo dated January 3, 2022 stating that it had 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.

39. Did the surveyor identify "previously disturbed soil"? Yes or No? If not why not?

Response: Both Archaeological Assessments identify that the sites have been agricultural land for a significant portion of the nineteenth and early twentieth centuries.

40. All of the properties are listed as having archeological significance. Has a cumulative analysis of all cultural and archeological resources been done? Yes or No.

Response: Yes. This was included within the FGEIS process and resulting respective Findings Statements. Moreover, in a letter dated July 17, 2023, Hudson Cultural Services identified that seven archaeological surveys had been conducted for the parcels in the vicinity, none of which identified any significant cultural resources.

Soil

41. Will there be specific mitigations to prevent erosion of the soil between the project and resident's homes? Yes or no?

Response: The SWPPP will be followed, which, among other things, includes Erosion & Sediment Control Plans.

42. Will there be specific mitigations to prevent erosion of the soil between the project and wetlands as well as the Monhagen Brook. Yes or No?

Response: See response to Question 41 above.

43. What is the amount of productive agricultural soil on the property? Please quantify. If you are asserting there is no productive soil what is your basis for asserting this?

Response: Soil types have been identified with the Geotechnical analysis included in each of the Project SWPPPs.

Visual

44. Will the applicant agree to or be required to do a correct balloon demonstration with balloons at each of the 4 corners and every 100 linear feet in between with balloons at least 4 feet in diameter present for a minimum of a week, while the trees are barren so that the public can truly see the size of the project? Yes or No? If not why not? While the visual renders provide some information they do not enable the public to discern the actual size from their own individual vantage points. Are you willing to do a balloon visual demonstration for all of the projects combined so that the public can assess the combined visual impacts? Yes or no?

Response: No. Please see Response 19 to our October 11, 2024 submission.

Economics

45. What is the financial benefit to actual homeowners and residents of Wawayanda (aside from school district and taxes)? What is the financial benefit to the residents of Middletown and Minisink who use the same roads and resources?

Response: In addition to the tax benefits noted in the Fiscal Impact Statement, the roadway system will benefit from the upgrades that are installed as project mitigation.

46. What are the economic costs/or losses to the community and homeowners?

Response: In light of the implementation of the required mitigation and conditions, the proposed projects do not anticipate economic costs or losses to the community and homeowners. On the contrary, the Fiscal Impact Studies demonstrate a significant economic benefit to the local community through tax revenue.

47. Will this project cause home values to deteriorate in value? Yes or No If No please identify the basis for this conclusion.

Response: See Response 25 above.

48. Is the applicant willing to prohibit the application for tax exemptions or pilot agreements on any tenant lease agreements?

Response: As indicated in our prior response, RDM is not seeking a PILOT for the projects, but future tenants may or may not apply for such incentives as may be allowed by law.

49. Studies show that an increase in truck traffic increases accidents, and an increase in accidents increases local car insurance rates. If rates increase as a result who will pay for these extra costs? Will the applicant be required to pay these extra costs? Yes or No.

Response: Because of the mitigation required of the projects, all project impacts have been appropriately mitigated, such that the no-build and build traffic conditions are similar. Accordingly, the projects will not result in a significant adverse impact on traffic, inclusive of emergency response times.

Pollution

50. Will the Town Planning Board require an updated study on the cumulative effects of truck traffic, since the traffic study noted over 1,000 trucks per day anticipated in the area?

Response: As indicated above, the TIS has been updated.

51. Did the town place conditions on the developers and tenants regarding truck traffic and minimizing air pollution? If yes, what are the specific conditions?

Response: The mitigation identified in the TIS is anticipated to be included as a specific condition of any approval issued for the projects.

52. The applicant claims that by preventing trucks from idling more than 5 minutes they will not emit pollution. Is the applicant assuming that there are no emissions from diesel trucks when they are in transit? Yes or no?

Response: Please refer to the Air Quality Study included with this submission.

The study concludes that the projects will not have a significant adverse air impact, noting, among other things that:

- The projects are not anticipated to adversely impact background air quality conditions based on the minimal long-term emissions originating from site operations and a review of traffic data. Based on surrounding facility information, it is unlikely that air pollution (above background levels) will occur that affects the projects.

- Further air quality analysis is not necessary since the projects will not change existing conditions to such a degree as to jeopardize attainment of the National Ambient Air Quality Standards (NAAQS) established by the EPA to protect public health and welfare.

53. Who will enforce the no-idling laws? If a truck is idling it would take at least an hour for DEC police to come, and it is unlikely that state police would come. There are no local police. Is the applicant going to pay for more troopers to monitor the trucks and enforce the no-idling provision?

Response: The Project site and its surrounding area are served by several law enforcement agencies including the New York State Police Department, the Orange County Sheriff, and the Middletown Police Department. Idling laws are required to be complied with, as with any other law governing the use and occupancy of the sites.

Power

54. What is the exact height of HVAC units from the current ground level? Look at EAF and site plan.

Response: Standard HVAC equipment typically ranges in height from 2 ½ - 4 feet. The height limitation in the Zoning Code will be adhered to and no variance will be required.

55. What will be the size and capacity of the proposed HVAC system?

Response: The size and capacity of the proposed HVAC system will be compatible with the size and purposes of the buildings and compliance with the Town's zoning law and NYS Building Code will be adhered to.

56. Please advise how much power the site is projected to use using per square foot industry standard energy consumption models for distribution/logistics centers for both electricity as well as heat.

Response: Power usage will vary depending on the end user, but is anticipated to be consistent with similarly sized buildings and uses.

57. Will the board require or is the applicant willing to agree to install a solar panels system on all roofs for all projects? Yes or no? Or to make the use this a condition of any tenant-lease or sale/resale contract? Yes or No If not then why not?

Response: Both Projects have been designed to support the addition of solar panel systems in the future. The use of a solar panel system is not anticipated to be a condition of any tenant lease agreement or contract.

58. Does the project require new electric or gas infrastructure for service? Yes or No. If yes who will pay for this? Will this cost be passed onto ratepayers by O&R? Yes or No If not will the applicant be required or will the applicant agree to show proof of payment for the infrastructure to the public or post a bond for the costs? Yes or No

Response: The Projects will connect to the existing utility grid and the Applicant will pay for the cost of connection.

59. Will the project be dependent on CPV for power? Yes or No. If yes what will they do if CPV is shut down. As you may know CPV does not currently have a Title V permit and will be required to shut down if their application is rejected. What will the applicant or tenant do in that event? Will the applicant agree or be required to commit that they will not directly or indirectly through an industry trade group engage in support for or advocate for the issuance of CPV's Title V application process? Yes or No.

Response: The applicant will connect to the local utility provider for power, pulling power from the grid in the same fashion as other local users.

60. Has the applicant done a greenhouse gas assessment of the project pursuant to SEQR amendments and 617.9 (b)(5)(iii)(i)? Yes or No If not why not? Will the applicant be required or will the applicant agree to do such an analysis and make it available for public review? DAC question.

Response: Please see Response 26 above.

61. How much power is each project expected to use? Please give precise numbers based on light or moderate industrial use models. Using the same modeling please describe how much power all projects combined will require.

Response: Power usage will vary depending on the end user, but is anticipated to be consistent with similarly sized buildings and uses.

Toxins

62. Will the Town Planning Board and Town Board require the same soil testing that was required of residents on Uhlig Road, since the same historical use exists?

Response: Soil testing is not anticipated or necessary based on review of available information.

Water Quality

63. Will the well water source that all the residents depend on be affected? Yes or no. If not what studies have been to guarantee that?

Response: Please see Response 11 to our October 11, 2024 submission.

64. How many private and public wells are within a half mile? How deep are they? Are they drawing from sand & gravel aquifers or bedrock aquifers?

Response: Please see Response 11 to our October 11, 2024 submission, we do not believe this additional data will materially affect the conclusions reached to date, nor has the Planning Board or its technical professionals requested such information, as the information provided to date relative to potential impacts is adequate.

65. What is the precise water table depth?

Response: As referenced within the Geotechnical Reports included within the respective SWPPPS, "Test Pits excavated during the stormwater investigation also encountered layered glacial till, with layers of silty, clayey, silty-sandy and clayey-sandy till downhill from both building areas. These soils were mostly in a very moist to wet condition, and the stabilized groundwater depths were determined to be less than thirty inches from the surface at most locations."

66. Will the applicant be prohibited from or agree to not draw any well water and will this be made a condition of any approvals?

Response: The Applicant will not draw any well water for the proposed Projects.

67. What is the precise depth to bedrock? Is there is any fractured bedrock on the site? Yes or No? If no what is the basis for that conclusion?

Response: As referenced within the Geotechnical Reports included within the respective SWPPPS, "Bedrock appears to be sufficiently deep that it will not be encountered in the building excavations. Due to time limitations, no boring was drilled at high point in the north building (elevation 516±,) however all of the borings were drilled to depths of twenty to thirty feet without encountering bedrock, and the hill on which the project is situated is believed to be a drumlin or drumlin-like glacial deposit composed mostly of till, with bedrock at relatively great depth.

68. Did the applicant consult with the Monhagen Brook Watershed Protection and Conservation Plan? Yes or No If not why not?

Response: While neither EAF identifies the Mohagan Watershed Conservation Management Plan, the SWPPPs specifically note the Monhagen Creek and address how stormwater runoff will be managed to minimize impacts to the Monhagen Creek and ultimately the Monhagen Watershed. See also the response to Question 69 below.

69. Will the applicant be required to or agree to follow this plan for the project? Yes or No If yes please advise of specific steps that will be taken to follow this plan. If not why not.

Response: The Monhagen Brook's status as an impaired waterway on the NYS 303D list was specifically discussed in each of the respective SEQRA Findings Statements for the projects². Moreover, Mitigation Findings C.1 through C.7 provided for in the respective SEQRA Findings Statements will help ensure there is no significant adverse environmental impact to the Monhagen.

70. RDM 3 and 4 are both on 100-year and 500-year flood plains. What are the plans to prevent stormwater runoff into surface water and wetlands in the event of a superstorm? Is the company installing the SWPPP systems willing to provide insurance against damages from stormwater runoff? Yes or No? If the answer is no will RDM provide insurance?

Response: Dewpoint South (RDM #3) has not been identified to be in either floodplain. Chapter 92 of the Town's code provides for Flood Damage Prevention. With regards to Dewpoint North, the Project will be in compliance with the requirements of the Town code related to flood control and prevention.

Water Withdrawal

71. Will the applicant be prohibited from or agree not to draw any groundwater and will this be made a condition of any approvals? Yes or No.

Response: The Applicant will not draw any well water for the proposed Projects.

72. Although the applicant will be getting the water from the City of Middletown, water in Orange County is a limited resource and the applicant's use of water, takes away from future water needs. Does the estimated water usage comply with DEC models for light or moderate industrial projects? Yes or No? What will be the consequences to the applicant or tenant if they exceed the limits they are asserting in their application? Will there be financial penalties? Yes or No Will water supplies be cut once that limit is reached? Yes or No?

Response: There are no plans to drill a well for use by the Projects. The user will be responsible for paying for water usage. Dewpoint South anticipates water usage will be 3,893 gallons per day of usage, while Dewpoint North anticipates 480 gallons per day of usage. This is materially below the remaining excess capacity available of approximately 125,000 gallons per day.

73. Will there be any requirements to implement water conservation practices such as the following: (Yes or no, if yes which ones. If no, why not?)

- a. Source and customer metering
- b. Frequent system water auditing
- c. System leak detection and repair
- d. Recycling and reuse initiatives

² The Findings Statements refer to "Monhagen Creek".

e. Drought reduction strategies

Response: The use is not one that is anticipated to be water intensive. Where appropriate and feasible, efficient fixtures will be utilized.

Construction

74. Will there be ground disturbance to the adjacent properties? Yes or no? if not how do they plan on digging so close and not causing any disturbance?

Response: No ground disturbance will be caused to adjacent properties that are not a part of the project sites.

75. If not how do they plan on mitigating noise from the trucks and warehouses activities?

Response: A noise study was prepared and is included with this submission. It takes into consideration the cumulative impacts of the projects along Dolsontown Road, as well as the recently adopted changes in the Town's noise law. The study concludes that the Dewpoint North and South projects will be in compliance with the Town's noise code requirements pertaining to the levels at the adjacent property lot lines during both daytime and nighttime hours. Moreover, given compliance with the law, the mitigation measures that will be implemented and the minimal increase in noise levels, no significant adverse environmental impact will result.

76. Will there be any blasting on the site? Y/N If the answer is no will that be an agreed-upon condition of any permit?

Response: Based on the Geotechnical Investigation Reports, included as part of the SWPPPs, blasting will not be anticipated on the Project sites. The report states "Bedrock appears to be deeper than the expected depths of excavation for the buildings." (See page 2 of the report).

Cumulative Analysis

77. Will the Town require or the applicant agree to do a cumulative analysis of all projects in the past, present, and foreseeable future, pursuant to SEQR requirements? Yes or No? If Not why not? If Yes please identify the following below:

- a. Total amount of trucks per day
- b. Total amount of passenger cars per day
- c. Total amount of forest loss
- d. Total amount of farmland loss
- e. Total amount of wetland disturbance
- f. Total amount of water use and sewer discharge
- g. Total amount of impervious surface
- h. Total acreage of industrial development
- i. Total amount of endangered, threatened, and species of special concern habitat loss

Response: See Response 2 to our October 11, 2024 submission. Moreover, as indicated above, this submission includes a cumulative air quality assessment for the projects, which concludes that the projects are not anticipated to adversely impact background air quality conditions based on the minimal long-term emissions originating from site operations and a review of traffic data.

Additionally, since our last submission, an updated TIS has been provided, which is cumulative in that it considers the cumulative impacts for all of the projects proposed along Route 6 and Dolsontown Road, as well as the County Route 56 Project. It concludes that no additional mitigation is required in the vicinity of Route 17M, I-84 and Route 6, other than at the access point for project Bluebird, which will be addressed by that project.

Finally, included in this submission is a memo addressing the potential noise impacts of the Dewpoint North and South projects. In addition to addressing compliance with the newly adopted noise law during both the evening and daytime hours, the analysis in the memorandum considers the potential cumulative impact of noise along the Dolsontown corridor, and concludes that no significant adverse impact will result.

Other

78. Is there a specific use identified for RDM 3 and 4? Is there a prospective or interested tenant? Has the Town set stipulations for the type of tenant and use?

Response: No specific tenant has been identified. Please refer to Response 16 to our October 11, 2024 submission for a discussion of the nature of the possible tenants.

79. How does the Town believe RDM 3 and 4 will affect the quality of life for nearby residents? Has the Town Board, Zoning Board, and Planning Board met directly with affected residents?

Response: Please see Response 32 above.

80. What is the exact distance between residential homes and the border of the facility?

Response: Only Dewpoint North has an immediately adjacent residential neighbor, that will remain following the project. As indicated in prior submissions, while only 15 feet of setback is required, the project plans have been revised to provide for a setback of 31 feet, with the associated construction of a berm, landscaping and baffling of HVAC equipment. The adjacent resident is approximately 113 from the proposed building to the existing residence.

81. Does Patrick Hines have an engineering degree or certification or a PE license? Yes or No.

Response: Please see Response 29 to our October 11, 2024 submission. We defer any more specific questions about the Planning Board's consultants to the Planning Board.

82. What is the total amount of farmland loss to the Town of Wawayanda from all projects combined?

Response: The properties involved are not currently utilized for farming and are located in a zoning district intended for commercial/industrial uses.

83. Will these projects cause the Town of Wawayanda to lose its class 2 ag district status? Yes or No?

Response: We do not anticipate the advancement of the projects, consistent with the Town's Zoning Law and Comprehensive Plan, to adversely affect other agricultural properties located within the Town. Whether these projects are constructed or not has no bearing on whether the remainder of the district is viable farmland.

84. Have you done an analysis of growth inducements resulting from the project? pursuant to SEQR requirements Y or N if not why not? Will the applicant be required or will RDM agree to do such an analysis and make it available for public review? (The potential loss of the Ag2 district is a critical issue to examine).

Response: See Response 2 to our October 11, 2024 submission. Specifically, the TIS incorporates a growth factor of 0.5% per year (based on NYSDOT historical data) for a total of 2.5% to account for general background growth, which yielded the Projected Traffic Volumes. This is in addition to taking into consideration the other projects enumerated in the TIS. Given this methodology, potential future growth is captured, consistent with NYSDOT guidelines.

85. The Middletown Sewer Treatment plant is not currently in compliance with its permit. How will these projects combined impact the plant?

Response: As indicated in the SEQRA documents, sufficient capacity exists. Compliance with the Sewer Treatment plant permit is an obligation of the permit holder.

86. Has the Town of Wawayanda consulted with other neighboring Towns that will be impacted by these projects including the City of Middletown and the Town of Minisink? Yes or No? If not why not?

Response: Consistent with SEQRA, the City of Middletown, Town of Wallkill and various offices within Orange County were identified as SEQRA interested or involved agencies. The Planning Board did not include the Town of Minisink specifically on this list, but notes the review of the projects has been a long and high profile exercise.

87. The Heritage Trail generates \$1.2 billion in annual revenue for local businesses. One of the only criticisms of the trail has been the noise from traffic. If the noise, odors, and pollution cause a decrease in the number of visitors in the Middletown area of the trail will the applicant be responsible for these economic losses? Yes or No? If the answer is no who will be responsible?

Response: No significant adverse impact to the Heritage Trail is anticipated. See the response to question 11 above, as well as the conclusions contained in the noise study included in this submission. Specifically, the noise study concludes the increase in levels above the no-build scenario will be less than 3 dBA above ambient levels during all hours of the day and observes that pursuant to NYSDEC's guidelines for Assessing and Mitigating Noise Impacts, decibel increases of less than 5 dBA are considered "unnoticed to tolerable".

We also note that the Dewpoint projects are the most distant from the Heritage Trail of all of the projects proposed along Dolsontown Road. For further information, please consult the following comment responses contained in the FGEIS: Section 3 R16 and Section 5 R5. We note specifically that in the vicinity of Dolsontown Road, the Heritage Trail passes directly underneath an interstate Highway.

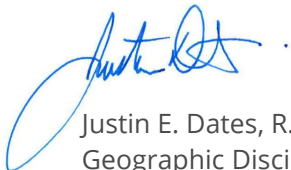
88. Since the Town has hired a new consultant will the town wait until the consultant reviews all the projects? Yes or no? If not why not? If yes will this review then be subject to a public hearing?

Response: It is our understand that the Town's new planning consultant will be reviewing the projects that are the subject of this application, and we will respond to such comments accordingly. We defer to the Planning Board for further information as to process, however, we note that the public involvement in the review of these applications, summarized at the beginning of this letter, has been far in excess of that required by law, offering the public ample opportunity to comment multiple times on these applications.

Should you have any questions, please do not hesitate to contact our office.

Sincerely,

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



Justin E. Dates, R.L.A.
Geographic Discipline Leader