

ARDEN CONSULTING ENGINEERS, PLLC

November 13, 2023

Town of Chester Planning Board
1786 Kings Highway
Chester, NY 10918

Re: Davidson Drive Holdings, LLC
Lake Station Road
SBL 17-1-22.1, 22.2, 22.3, 22.4, 22.5, 22.6, 22.7, 22.8
Town of Chester, NY

Response to Public Hearing Comments

Hon. Donald Serotta, Chairman & Planning Board Members:

Arden Consulting Engineers, PLLC is providing this updated letter on behalf of the Applicant, Davidson Drive Holdings, LLC, in response to the public hearing comments received for the referenced project. These responses pertain in large part to the letter from the Preservation Collective, Inc. (PCI) dated 1/3/23 and email dated 1/14/23. Many of the comments at the Public Hearing(s) were similar to the written comments that were submitted and centered mostly around traffic and driveway access off Lake Station Road. The paragraphs below contain responses to the comments in bold.

SEQR- The opening paragraphs appear to be informational and for the Planning Board, no response for this has therefore been prepared.

Alternatives – The proposed road was slightly relocated to minimize retaining walls and grading within the area of the site as well as to establish a better roadway grade for truck access. This roadway has been re-designed to connect to the Pomegranate Solutions site. The current design does not fragment wetland habitat and maintains interconnectivity. There is already a large 100' NYSDEC Adjacent Area that the project adheres to.

Habitat – The limits of disturbance has been reduced from earlier plan versions and is now 9.76 acres. The EAF has been updated to reflect the same. The NYSDEC has been out to this site, and neighboring sites, several times over the past few years as there are known Bog Turtle nests in this area of the Town. The NYSDEC conducted a site visit for this project and concurred there was no Bog Turtle Habitat. A Bog Turtle Education & Encounter Plan was prepared out of an abundance of caution. Stormwater management facilities were designed to treat the stormwater runoff and to prevent any drainage from being directed towards potential Bog Turtle Habitat. A double silt fence has been specified to minimize sediment laden runoff. The project was designed with protective measures for Bog Turtle even though there is no habitat, and no Bog Turtles were detected.

Clearing Limits and Wetland/Stream Buffer Markers - Double silt fence locations have been shown on the plans and note 5. Has been added to the double silt fence detail stating a Licensed Land Surveyor in the State of New York must stake the silt fence location prior to commencement of construction.

Traffic – Refer to CM response letter submitted under separate cover.

Lighting – The current lighting plan results in footcandle readings that terminate well before property lines without the remaining screening taken into account. Shielding has also been provided to prevent any light spillover toward the Pomegranate property. The current lighting plan only implements lighting levels necessary for basic site access and security.

Landscaping Plan – A large portion of existing trees along the western, southern and eastern property lines remains for screening purposes due to the proximity to residences. There is existing wooded area that will remain on the Pomegranate property to the north that will provide natural screening even though this is a commercial project as well. There are planting guarantees on the landscaping plan as well.

Stormwater Management – We have reviewed these comments and provided some basic responses as a courtesy; any correspondence from a Licensed Professional Engineer in the State of New York should be placed on letterhead and professionally submitted to be properly entered into the public hearing comments.

Response: Appendices have been provided with the hardcopy that was submitted to the Town and reviewed by the Planning Board Engineer. An updated electronic copy of the SWPPP has been provided that contains all appendices, WQv & RRv calculations, HydroCAD calculations, etc. There is adequate separation distance to groundwater and seeps for the technologies that have been chosen, but this is not the case for infiltration facilities. Furthermore, infiltration facilities are not permitted to receive direct runoff from warehouse loading docks. Test pit investigations were originally prepared for the entire site by Kevin Patton, P.E. which was utilized by this office as preliminary stormwater testing information. Additional soil testing has recently been completed and added to the plans. The wet pond design has been modified to a pocket pond with supporting construction details. The pocket pond is hydraulically connected to the bioretention facility so the emergency spillway will serve both facilities. Operation & Maintenance documents have been added to Appendix G of the SWPPP.

January 14, 2023 email from KT (kat_shoe@yahoo.com):

Hello Melissa, I decided to squeeze in my personal comments for the public hearing on Davidson Drive Holdings. Please confirm receipt of below to be included for the record and distributed....

To Planning Board - Please bear with me as I have some last minute thoughts on the project proposal and items under your review after hearing residents comments. I hope the following thoughts and questions assist in your deliberations....

The applicant's traffic study says "The project is not expected to have a significant adverse impact on surrounding roadway network" but what about the safety in addition to volume?

Looking briefly at the turning diagram intersection 1 shows, when a truck comes out and turns towards Bellvale it looks to be very tight on paper and actually crosses into paradise

lane and the shoulder? Was this based on a standard size truck and trailer? What if there is a less experienced driver making this tight turn? Keeping in mind the cab and the trailer don't move as one, as evident by shoulders being worn in areas. What damage is going to happen to this street and shoulder at Paradise Lane? What if there is a car waiting to exit of Paradise Lane neighborhood? Is this going to be a conflicting intersection especially 50-70 cars/trucks at peak hours in morning and night? Was there supporting documentation on the existing conditions vs proposed at these intersections separating out trucks from cars?

Looking at intersection 2 could be problematic if trucks need to cross into the oncoming lane to head to Kings Highway. Then at Kings Highway, trucks will have to stop on an incline and dart into oncoming traffic. Does the traffic study include the weight and length of a truck and the amount of time it takes to go from a stop on an incline at Lake Station to pull out to incoming traffic at 55 mph? Were accident reports considered in the applicant's traffic study?

Based on the resident's comments, it sounds like real life conditions of this hazardous intersection needs to be considered in the applicant's study and in the determination of the Planning Board if it's not acceptable to handle what is being proposed.

Here are some additional random thoughts:

- I think the Planning Board did the right thing and warned this applicant about the benefit to get access to Davidson Dr/Bellvale from the beginning. If the owner of the other property was not willing, hindsight maybe they shouldn't have got their approval? Both were in review at same time in 2021.
- We don't know if the Town of Warwick DPW is aware (assuming the general notice to Warwick did not get distributed to them specifically) since Lake Station Road crosses the municipal boundary and not sole responsibility of the town of chester. The road was recently paved up to the town line on Lake Station by Park Drive by Warwick. Does Warwick want any considerations for damage to the road during construction?
- Has there ever been an explanation of what business will be in the building? Is this an expansion of an existing business elsewhere? If so, are their studies on their existing conditions?
- This project might have been a good example of one that could benefit from more public input given the local use of Lake Station and homes near Bellvale intersection but are outside the 500 feet notification range. I hope the Board reconsiders previous suggestions to require a sign at the entrance of projects indicating a public hearing date for those that pass by on their way home to increase public input that can assist the Planning Board in their review. E.g. there is a large neighborhood off Park Drive on Lake Station Road outside the notification range.
- The 20 acres fronting Lake Station at Park Drive appears to be owned by the Town of Warwick according to the County database. Not sure if they plan to have build a pocket park or preserving the land as is – can this be determined if there are any plans in the works that could impact traffic and safety?

- If tractor trailers are going to be too much of a nuisance on this Town road, at that specific location, what are the alternatives to discuss?

- o What about putting a weight limit on Lake Station Road thereby reducing the types/sizes of trucks that will have access to it? Could the Planning Board take this action or the Town Board?

- o What about requiring a 'no right turn' sign can be placed at the exit of Davidson Drive to restrict all trucks (or those more than 4 tons) to go to in the direction of the intersection of Kings Highway. The town can reinforce restriction with strict fines for non-compliance. Talking to truckers, it is not uncommon for drivers to be re-routed by signage to avoid villages and narrow town roads. Of course, this study then needs to be updated to show all trucks going in one direction as a result, which still might be too much of a negative cumulative impact that needs mitigation

- Doesn't the site plan have to show more details of buildings within 300 feet of the all the lots included with this project? The benefits include:

- o You could see exactly how close is the closest home to consider noise, lighting, visual, truck impacts, etc. from not only end project but during the construction phase as well.

- o Alternate emergency access proposal - if Davidson Drive itself is considered unnecessary impervious surface being created if not going to be a through road, you can eliminate it but still create a future connection between the parking lots at the property line since Pomegranate's approved plan shows a separate drive along their parking lot on the border of this project thus providing a location to connect, someday if the Davidson Drive Holdings parking lot is adjusted accordingly. Please compare the two site maps.

- As a side note, it was stated "there may be some clearing required within the entrance off Lake Station Road, however, most of the trees and vegetation in this area have already been removed due to the prior construction of the road". However, looking from Paradise Lane as it exists today, the road into the site looks to only accommodate only one car lane. Can the board require the property to be marked for clearing limits before approval so you can conduct a site visit to better gauge how many trees will be removed, and require landscaping and signage at entrance for residents who will have to look at this entrance everyday and want to protect their property value?

- I notice with other warehouses the loading dock area is fenced in and there is room for stored trailers. Will there be tractor trailers staged/parked on the outskirts of the loading docks? If so, there does not appear to be enough room for truck maneuvering and storing of trailers.

Miscellaneous questions for the Planning Board –

- Does the Board require a real person on the application for contact purposes? Do you have one? I notice that the EAF says the applicant is Lake Station Holdings LLC but on the County database it says Davidson Drive Holdings LLC. Note, the lot abutting this

one on Lake Station Road was recently sold to VA Lake Station Holding LLC. By any chance are the principal owner(s) the same? Is there going to be another warehouse project proposed off Lake Station next door in the near future or right after this project gets approved?

- Without the owners person(s) name on the EAF/application, how does the Planning Board determine if any conflicts of interest or additional ownership of property in the vicinity? What if there is an emergency during construction – is the building inspector contacting only consultants to the project and what if they are unavailable?

- Note the rendering of the building is not realistic if considering it related to the landscaping plan. Behind the building it shows a lot of evergreens but that area will be cleared and sloped and will have a long retaining wall (do you know what type is planned?). It looks like only 2 evergreens listed on the landscaping plan. Not sure if that is in error.

I hope you will consider re-opening the public hearing if new significant findings/information is provided by the applicant i.e. updated traffic study for public review and comment. I hope the Planning Board sees the benefit in hiring your own traffic consultant to verify the applicant's studies on road capacity but also due to the missing details expressed by the public and board members. Your consultant could come up with recommendations on mitigation or additional studies needed given the cumulative impacts and conditions of the Lake Station as a shared town road with Warwick and the safety issues at the intersections to be utilized for this project.

It is my understanding the Planning Board has a lot of authority under SEQR to require alternatives if your evidence shows significant impact specifically traffic, that can not be adequately mitigated. The issue of car/truck traffic directly related to the size and use of the building. They can construct a smaller building, or two smaller buildings and still make money on their investment? Or stick with the existing subdivision of smaller lots to reduce the worst case truck traffic scenario for a building of this size considering ownership may change in the future? Obviously there is a lot of information to discuss with your consultant team to balance economic benefits with adverse impacts that can be realized years from now when this area of "IP" zone is all built out.

Thanks for your attention.

Response: The traffic-related comments have now been satisfied due to the relocation of the driveway for this project to Bellvale Road. The associated interior re-design of the site plan also addresses the other comments as well.

January 14, 2023 email from jrm1750@aol.com

To whom it may concern,

As a resident of Wickham Village I am extremely distressed to just learn of the plans for a large warehouse facility with heavy truck traffic proposed for Lake Station Road. While

I understand that this is technically The Town of Chester it is Directly on the border of Warwick. Residents of Wickham Village will be the most impacted by the heavy truck traffic that we are anticipating from such a facility. The intersection of Kings Highway and Lake Station Road with the blinking light is already a dangerous location due to the slope of the road. Warwick residents, particularly Wickham Village and nearby areas should have been notified either through social media or public posting. This facility and associated expected traffic concerns should have been directed at the people most affected, including Warwick residents.

This public notification of a facility and traffic concern should have been posted for ALL affected parties, including the most affected residents of the surrounding Warwick community. The Town of Chester would be well served to delay any approval process until ALL affected/concerned parties have been legally notified and have had a chance to review proposal and consult a legal representative.

Respectfully,
James R McGeown
11 Sunset Terrace
Warwick, NY 10990
845-521-6403

Response: The traffic-related comments have now been satisfied due to the relocation of the driveway for this project to Bellvale Road. As a result, trucks will not travel in the direction of Wickham Village.

January 14, 2023 email from Ken Cohen (kenco81@gmail.com)

Town of Chester:

It has come to my attention, only through a Facebook post, that a giant warehouse (Davidson Drive Holdings LLC) is being proposed on Lake Station Road. As a resident of Wickham Knolls, I am perplexed as to why I haven't been informed of a large project being proposed in such close proximity to my residence. I am incredibly concerned as to how this will affect the safety of myself and my family.

This project will not only change the landscaping of the area, it will bring additional traffic to an already dangerous location. Lake Station Road is barely wide enough to support two lanes of traffic and I frequently find cars crossing over to my lane due to the narrow conditions. In addition, the intersection of Lake Station and Kings Highway is a blind turn where I witness near collisions regularly. Additional traffic from a large warehouse will only increase the risk of accidents on a road that I travel daily.

I very much oppose this project being built and would like to request additional information, as the town has neglected to inform the residents about this project at this time.

I appreciate your consideration on this matter

Sincerely-
Ken Cohen
Wickham Knolls Resident

Response: The traffic-related comments have now been satisfied due to the relocation of the driveway for this project to Bellvale Road. As a result, trucks will not travel in the direction of Wickham Village.

January 14, 2023 email from The Preservation Collective

To all -- This email serves to follow up comments made at the hearing and in our written submittal on Davidson Drive Holdings public hearing. Please note that at the time of our review, there appears to have been an associated document missing discussed that night at the meeting. At the hearing, there was an updated version of a DEC email posted on the town website that included responses from the applicant. This version was not posted when the public hearing was scheduled or even re-scheduled. The posted version we downloaded was with DEC questions only, which was posted days leading up to the hearing. At some point, this email document was switched out between the time when the hearing was scheduled and when the hearing was held. Therefore, please note our comments in our letter were based on the original email not including the applicant's answers to them. I hope in the future when a hearing is scheduled that all documents up for review will be available at that time or at least 10 days prior to the hearing.

In any event, our comments stand as far as how we were explained was the extent of the review by the DEC staff within their jurisdiction. Despite the applicant's consultant's comment about an "exhaustive analysis as it related to the habitat on the site" for the bog turtle, the DEC did not conduct their own complete habitat assessment of the site. The ecosystem health staff visiting the site are the wetlands experts. The wildlife staff are the protected species experts, while expertise can cross over it is important to note that the DEC wildlife staff did not conduct their own field survey on the site, so they do not know if or where bog turtles could be utilizing the site between wetlands nor did they review the site for any other critical habitat for the survival of other species on or around the site. The DEC simply does not have the staff to do such an analysis.

Therefore, by no means does the DEC review on a permit application replace a thorough review by the Planning Board needed with your own expert(s) on potential impacts to the environment of the proposed project. SEQR regulations explicitly say that involved agencies may assist the lead agency's analysis in certain fields by making their concerns known or commenting on the proposal. This confirms that the lead agency should be analyzing those issues and responses, preferably with experts of your own in these certain fields.

For instance, we have seen other municipalities utilize their Planner and ecological consultant to assist in the perspective of looking out for the Town's best interest given experience with other large warehouse projects and/or improved environmental

protection measures in site design by looking outside the box of what Chester has always done in the past. Hopefully you have someone on hand that can verify the applicant's findings or have the expertise to know if anything was overlooked in their report and BTEEP. As noted, the habitat assessment dated 1/25/21 from the first hearing seemed minimal without onsite photos documenting wetlands, stream, and identifying worthwhile trees to preserve plus it's focus is only endangered and threatened species. We feel the Planning Board needs to be specific as to what you are looking to review before applicant's hire their consultant. What about any recommendations on best practices during construction to protect habitat in general from the adverse effects of fragmentation in this environmentally sensitive area? Note, if there was an updated habitat assessment since the first hearing, it was not posted in time of the hearing for public review and comment. Should their report and BTEEP be something you would also want to be sent to the US Fish & Wildlife for review and sign-off? We think the BTEEP does look good on paper, we question is there a need for the Town to have frequent inspections to see if the applicant is in compliance for the duration of the construction of the project as a condition of the approval?

As for the applicant's responses to the DEC questions, they stated nothing is required from the ACOE. However, we don't recall if there are any disturbance to the stream near the entrance that would require notification to the ACOE? We also don't recall hearing about the existing culvert; assessed for load, water flow capacities, and lifespan?

The DEC also asked about impacts to the hydrology and water quality, which was answered stating that the SWPPP was prepared and 'accepted'. The ecosystem staff at DEC does not review the SWPPP so it was accepted by whom? Since this project is located in the MS4 community, the authority and technical review of the SWPPP is delegated to the municipality. The applicant would still have to submit a NOI to the DEC Division of Water to gain coverage, but again the technical review of the SWPPP is delegated to the Town. We noted that the SWPPP version made available to the public did not include the appendixes. Whomever is making decisions on approval, would need this information. We question if this study is 'complete' as it relates to the DEC concerns, BTEEP specifications as well as our observations? Note, the SWPPP appendixes were not made available to the public before the close of the hearing nor the 10 day written comment period deadline.

Thank you for your attention.

Response: See responses above to the Preservation Collective Letter. In addition, The DEC knows the precise location of Bog Turtle nests in this area due to previous site visits and investigations. There is no ACOE wetland disturbance associated with this project.

We look forward to being placed on the December 2023 Planning Board agenda to discuss this project.

Please do not hesitate to contact me if you have questions or concerns.

Sincerely,

Arden Consulting Engineers, PLLC



Michael A. Morgante, P.E.

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