

From: [Lang, Christopher \(DEC\)](#)
To: [Michael A. Morgante, P.E.; ezdevelopinc@gmail.com](#)
Cc: [Fraatz, Michael R \(DEC\)](#); [Masi, Lisa M \(DEC\)](#); [lzappala@thetownofchester.org](#); [Melissa Foote](#); [Don Serotta](#)
Subject: Re: 3-3322-00052/00003 (FW, ETS) NOIA
Date: Thursday, August 4, 2022 11:36:42 AM
Attachments: [image001.png](#)
[Outlook-nrt0api.png](#)

Mike (Morgante),

Sorry for the delay in response on this one (Davidson Drive Holdings LLC project, Lake Station Rd). DEC has reviewed the information submitted below. At this time, we have no further technical comments. However, as per Item 8 of my NOIA, on the SEQR side a negative declaration or accepted Draft Environmental Impact Statement must be received by DEC before the application can be called complete. That appears to be the only outstanding item at this time. The application will continue to be considered incomplete until this documentation is received. Any questions, please let me know.

Thank you,

Chris Lang

he/him/his

Environmental Analyst, Division of Environmental Permits

New York State Department of Environmental Conservation

21 South Putt Corners Rd, New Paltz, NY 12561

845-256-3096 (p) christopher.lang@dec.ny.gov

www.dec.ny.gov



From: Michael A. Morgante, P.E. <mam@ardenconsulting.net>
Sent: Tuesday, March 22, 2022 6:17 PM
To: Lang, Christopher X (DEC) <Christopher.Lang@dec.ny.gov>; ezdevelopinc@gmail.com <ezdevelopinc@gmail.com>
Cc: Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>; Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>; lzappala@thetownofchester.org <lzappala@thetownofchester.org>; Melissa Foote <mfoote@thetownofchester.org>; Don Serotta <dserotta@thetownofchester.org>
Subject: RE: 3-3322-00052/00003 (FW, ETS) NOIA

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Chris,

I have responded to all of the comments below in red.

The Dropbox link below also contains the following:

1. The SEQR Lead Agency notice which was mailed May 7, 2021.
2. A "No Effect Finding Letter" from SHPO.
3. Revised Site Plan that removed any adjacent area disturbance associated with the driveway extension to the parcel to the north. The adjacent area disturbance associated with the entrance is still proposed.
4. Bog Turtle Education & Encounter Plan dated March 15, 2022 (also included on the project drawings on sheet 21).
5. Bog Turtle Education Pamphlet (also included on the project drawings on sheet 21).
6. Updated Joint Application

<https://www.dropbox.com/sh/n0yupf3rxmahan3/AACQdLug3SyT-0iJE5OKhYj1a?dl=0>

This paragraph is also noted in the response to comment 6. below. The water usage for this project is 675 gpd as noted on sheet 5. A 4-bedroom dwelling uses 440 gpd. This project will use less water than two 4-bedroom residential dwellings. It is worth noting this parcel was previously approved for a 15-lot subdivision which would have used approximately 6,600 gpd of water. It does not seem practical that 675 gpd of water will have an impact on the wetland and create any drawdown. We respectfully request that this be considered and that a pump test for this project should not be required. If the DEC is not in agreement with this, please let us know ASAP so that we can commence the well testing work as this will take some time.

We look forward to your prompt response so that we can continue to move this project forward. Let me know if the application is now considered complete.

Let me know if you have any questions or concerns.

Best regards,

Arden Consulting Engineers, PLLC
Michael A. Morgante, P.E.
P.O.B. 340
Monroe, N.Y. 10949
T: 845-782-8114
E: mam@ardenconsulting.net

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From: Lang, Christopher X (DEC) <Christopher.Lang@dec.ny.gov>
Sent: Friday, March 11, 2022 11:29 AM
To: ezdevelopinc@gmail.com
Cc: Fraatz, Michael R (DEC) <Michael.Fraatz@dec.ny.gov>; Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>; Michael A. Morgante, P.E. <mam@ardenconsulting.net>; lzappala@thetownofchester.org
Subject: 3-3322-00052/00003 (FW, ETS) NOIA

Dear Davidson Drive Holdings LLC,

The Department of Environmental Conservation (DEC or Department) has reviewed the application for a permit under Article 24 (Freshwater Wetlands) of the Environmental Conservation Law for disturbances to Freshwater Wetland WR-27 (Class II) and/or its 100-foot adjacent area, associated with the construction of a 166,024 square-foot warehouse ("Site Plan & Lot Line Change for Davidson Drive Holdings, LLC") and associated appurtenances, located on Davidson Drive in the Town of Chester.

The application is incomplete. Please address the following comments and/or submit the following documentation for a complete application:

1. The application requires a more detailed alternatives analysis. The application indicates that "There are no other alternatives. The project has attempted to limit the footprint and clearing/grading in the area of the 100-foot adjacent area." A supplemental narrative must be submitted which provides additional discussion, at a minimum describing why or how are there no other alternatives, and what measures were taken to limit disturbances in the adjacent area. Please note this should be a robust narrative which has the purpose of demonstrating that impacts in the adjacent area of the wetland have been avoided and minimized to the maximum practical extent.

Response: The entrance located off Lake Station Road has already been graded and a box culvert installed as part of a prior subdivision approval. The road for this prior approved subdivision also has a subbase installed. The entrance and box culvert have been located in one of the narrowest portions of the DEC Wetland and 100' adjacent area and the proposed project is re-utilizing this prior grading and road placement to minimize environmental disturbances. There has also been an attempt to limit the grading associated with this entrance by designing a driveway with an 8% slope which is the maximum practical slope for tractor trailers. A retaining wall has been placed along the entire western side of this driveway in order to prevent adjacent area disturbance as shown on the plans. Elevations on the site were maintained as high as practically possible to minimize grading and site disturbance.

The only other adjacent area disturbance is associated with the road extension towards the northwestern portion of the site in order to provide an emergency access point to the adjacent parcel which is also a similar proposed light industrial use

building. This road extension to provide emergency access has been removed and the associated adjacent area disturbance eliminated; the 100-foot adjacent area disturbance has been reduced from 11,668 SF to 6,623 SF.

The size of the building and the associated parking do not impact any of the adjacent area so no other alternatives are required. Disturbance as a result of the driveway entrance discussed above has already taken place and is located in the most favorable area to protect the wetland, adjacent area and Bog Turtle habitat.

2. The grading in the adjacent area associated with the road to be constructed should be avoided or limited with the use of retaining walls. If this is not feasible, acceptable justification must be provided.

Response: See the response to 1. above.

3. The road is 30' wide at the top - is this the minimum possible width?

Response: A 30' wide road is required for tractor trailers to maneuver properly throughout the site. It is how I have designed all warehouse projects I have worked on.

4. Is work to be done at the entrance off Lake Station road, or is this crossing staying as-is?

Response: See the response to 1. above.

5. The application indicates "The removal of trees and scrub brush in order to construct the building within the 100-foot buffer associated with WR-27." Please provide additional details on how much removal would take place, and provide justification for all areas being cleared.

- a. Please note, this project site is located within screening distance of known occurrences of the State-threatened northern long-eared bat. Any permit issued for a project in this location would include a condition limiting tree cutting to the time period between November 1 and March 31. Tree clearing outside of this window without approval from DEC is strictly prohibited.

Response: This text is not accurate and has been changed to "Site grading and the removal of trees and scrub brush in order to construct the building on the subject site. No clearing is proposed within the 100-foot adjacent area." as there is no portion of the building or the parking within the 100' adjacent area. 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. A note is on the plans that limits tree clearing from 11/1 to 3/31.

6. Please submit documentation regarding the pump testing for the proposed on-site well. While this well is below the threshold for requiring a water withdrawal permit, DEC requests to review this information in order to confirm that there would not be any drawdown to nearby wetlands/bog turtle habitat.

Response: The water usage for this project is 675 gpd as noted on sheet 5. A 4-bedroom dwelling uses 440 gpd. This project will use less water than two 4-bedroom residential

dwelling. It is worth noting this parcel was previously approved for a 15-lot subdivision which would have used approximately 6,600 gpd of water. It does not seem practical that 675 gpd of water will have an impact on the wetland and create any drawdown. We respectfully request that this be considered and that a pump test for this project should not be required. If the DEC is not in agreement with this, please let us know ASAP so that we can commence the well testing work as this will take some time.

7. The project site is located near known occurrences of the State-listed endangered bog turtle. The December 17, 2021 habitat assessment submission discusses suitable habitat in a nearby, but off site wetland and no suitable habitat in portions of the same wetland onsite. The project proposes impacts within 300 feet of the wetland that contains suitable habitat, and thus fall in zone 2 of the Bog Turtle Conservation Zones. Additional impact assessment based on this information is needed for review. Impacts from proposed work on hydrology and water quality should be assessed and addressed. In addition, measures to avoid impact to any individual turtles that might enter the project site will be needed. These measures could include the use a Bog Turtle Education and Encounter plan, species barrier fencing, a monitor, or seasonal work windows. Any avoidance measures proposed must be included on project plans as plan notes.

Response: The Project Biologist has presumed the potential bog turtle habitat it is located approximately 250 feet to the east of the site at the closest location to the proposed building. Runoff from the site has been directed to the westernmost portion of the site and includes a bioretention facility followed by a wet pond. A NYSDEC stormwater pollution prevention plan (SWPPP) has been prepared and accepted that addresses the required WQv & RRV for this project. A double silt fence has been added to the plans to further protect Bog Turtle Habitat. The Applicant has also provided a Bog Turtle Education & Encounter Plan which has also been placed on sheet 21 of the plans.

8. This project is a Type I action under SEQR, for which coordinated reviews are required. No SEQR documentation was submitted with the application. A Full EAF was provided to DEC on March 9, 2022, however no documentation regarding the required lead agency coordination has been received. A lead agency must be established pursuant to the requirements in the SEQR regulations, and a negative declaration or accepted Draft Environmental Impact Statement must be received by DEC before the application can be called complete. Please note, the SEQR regulations also indicate that no physical alteration of the site may commence until the provisions of SEQR are complete.

Response: See attached SEQR Lead Agency Notice circulated on May 7, 2021. The Town of Chester has declared themselves Lead Agency.

9. This action requires an impact determination regarding cultural/historic resources from the NYS Office of Parks, Recreation and Historic Preservation/State Historic Preservation Office (SHPO). Please provide.

Response: See the "No Effect Finding Letter" from SHPO in the Dropbox link above.

10. Please clarify if any approvals from the US Army Corps of Engineers are required for the

project under Section 404 of the Clean Water Act. If so, and if covered under a Nationwide Permit (NWP), please clarify which NWP.

Response: We are not disturbing any wetlands so nothing is required from the ACOE.

11. Freshwater Wetlands applications require a fee. Please submit a check payable to "NYSDEC" in the amount of \$200, submitted via hard copy mail to the attention of the Regional Permit Administrator at our New Paltz office (address below). Please note the application ID of 3-3322-00052/00003 on the submittal. Please note, all items besides the check should be submitted electronically only.

Response: Comment noted and a check will be mailed under separate cover.

The application will remain incomplete until all requested information is received. If there are any questions please feel free to contact me.

Thank you,

Chris Lang

he/him/his

Environmental Analyst, Division of Environmental Permits

New York State Department of Environmental Conservation

21 South Putt Corners Rd, New Paltz, NY 12561

845-256-3096 (p) christopher.lang@dec.ny.gov

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