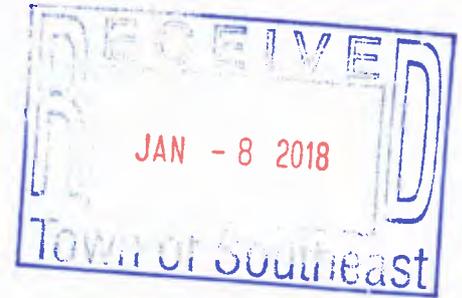




January 8, 2018

Mr. Thomas LaPerch, Chairman
Town of Southeast Planning Board
1 Main Street
Brewster, NY 10509



Vincent Sapienza P.E.
Acting Commissioner

Re: **Notice of Intent to be Lead Agency
Northeast Interstate Logistic Center
Pugsley Road
Town of Southeast, Putnam County, NY
Tax map #: 45.-1-4, 5,8,12, & 13
DEP Log#: 1997-MB-0246-SQ.2**

Paul V. Rush, P.E.
Deputy Commissioner
Bureau of Water Supply
prush@dep.nyc.gov

Dear Mr. LaPerch and Members of the Planning Board:

465 Columbus Avenue
Valhalla, NY 10595

The New York City Department of Environmental Protection (DEP) has reviewed the Town of Southeast Planning Board's (Board) Notice of Intent to act as Lead Agency and full Environmental Assessment Form (EAF) for the above referenced project. DEP does not object to the Board acting as Lead Agency for the Coordinated Review of the proposed action pursuant to the New York State Environmental Quality Review Act (SEQRA).

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The parcels proposed for development are located in the Middle Branch Reservoir drainage basin of New York City's Water Supply. Middle Branch Reservoir is phosphorous restricted; therefore, water quality impacts to the receiving reservoir from pollutant-laden runoff must be avoided or mitigated.

The proposed action involves the construction of a "logistic center" comprised of over 1.1 million square feet of warehouse space divided into four buildings on five (5) separate tax lots. Warehouse #1 will be 261,320 sq. ft.; warehouse #2 173,775 sq. ft.; warehouse #3 323,076 sq. ft.; and warehouse #4 366,404 sq. ft. The proposed development is to be served by on-site potable water supply wells and four (4) subsurface treatment systems (SSTS). The project also consists of parking for 466 spaces plus 310 land banked spaces. The widening of Pugsley Road and the installation of a traffic light at NY Route 312 is also part of the action. Site access will be via a new driveway from Pugsley Road. Additionally, the proposed action requires a change in zoning from RC to OP-3.

The proposed site was previously slated to be developed into a ±140 single-family residential subdivision known as Campus at Field Corner. The environmental review for that action considered the soil disturbance, traffic, water and sewer demands of the domestic proposal. The current documentation is confusing in that it describes the redevelopment of a portion of the project site and references the previous action. Moreover, it is understood from

1.8.18 forwarded to PB

discussions with Town officials that the formerly proposed action that was granted DEP approvals, which have since expired, is no longer being considered for development. As such, this action is considered to be a new application before the Board and is undergoing a separate environmental review and should not be “piggy-backed” on the documentation prepared to support the former Campus at Fields Corner action.

DEP’s status as an involved agency stems from its review and approval authority for a Stormwater Pollution Prevention Plan (SWPPP) pursuant to Section 18-39(b)(3)(iv) of the *Rules and Regulations for the Protection from Contamination, Degradation, and Pollution of the New York City Water Supply and Its Sources* (Watershed Regulations). DEP also maintains review and approval authority of the subsurface septic treatment systems (SSTS) pursuant to Section 18-38 of the Watershed Regulations and the Delegation Agreement with the Putnam County Department of Health (PCDH). A Crossing, Piping or Diversion Permit (CPDP) approval by DEP may also be required or another regulatory agency.

The following discrepancies are noted in the EAF and should be revised accordingly:

1. Part 1.B.f of the EAF should be revised to include DEP review of the commercial SSTSs.
2. Part 1.D.1.states that phasing is dependent on market conditions. That is an inadequate response for a project of this magnitude and seems to indicate that the venture is speculative. Moreover, given the widening of Pugsley Road and improvements to Route 312, installation of utilities and other features that must be developed to support the action, a proper sequence of development must be prepared. The project sponsor is reminded that site disturbance is limited by the NYS Construction General Permit to no greater than five acres of soil at any one time.
3. Part 1.D.2.b.ii of the EAF indicates +/- 12 acres of wetland disturbance. The submitted documentation indicates that direct wetland impacts comprise .15 acres of this disturbance while town and DEC buffer disturbance comprise 11.7 acres. This section of the EAF should specify the extent of direct wetland disturbance, the extent that is within the DEC/Town shared 100-foot buffer, and within the additional 66-foot width of the Town wetland buffer.
4. Part 1.D.2.t indicates that the proposed action will not store any hazardous materials, yet the project description indicates that the facility involves refrigeration. Please have the project sponsor clarify whether the refrigeration involves the storage of Freon on-site and the quantities involved.
5. Table E1.b of the EAF should reflect the 0.15 acres of wetland disturbance anticipated post construction.
6. Part 1.E.3.a of the EAF references that the project site is located adjacent to an agricultural district. A conservation easement is maintained on the adjacent agricultural parcel and the conditions of the easement should be considered.

Based upon the review of the submitted documents, DEP respectfully submits the following comments for the Board's consideration:

1. DEP has not witnessed soil testing at the project site and cannot verify that the proposed stormwater practices are viable and will function as intended. Moreover, some of the infiltration practices appear to be situated on steep slopes. No portion of the infiltration practice shall be located on slopes in excess of 15% as per the criteria in the *New York State Stormwater Management Design Manual (Design Manual)*, dated January 2015. The owner's representative is encouraged to contact Jason Coppola at (914) 749-5360 to arrange for DEP to visit the site and witness soil testing in the area of the proposed stormwater management practices.
2. According to the set of drawings entitled "Northeast Logistics Center," prepared by JMN Consulting, LLC and dated 11/06/2017, there appears to be no treatment of stormwater runoff from the newly widened and paved portions of the Pugsley Road, Zimmer Road and Route 312. Runoff from these developed areas must be properly attenuated and treated.
3. The project will generate increases in both runoff quantity and pollutant loading. DEP suggests that the project sponsor conduct a pollutant loading analysis (pre- and post-development) to further justify appropriate mitigation.
4. Most of the project area is located on Paxton soil. Paxton soil typically exhibits seasonally high groundwater. This can potentially limit the feasibility for the treatment of wastewater. As the soil testing results included in the submission are from 1987, the project sponsor is encouraged to schedule soil testing with DEP and the PCHD in order to demonstrate that the proposed treatment area(s) can accommodate the proposed flows.

In addition, seasonally high groundwater may preclude the use of some of these areas identified for stormwater infiltration and limit the storage volume available for attenuation, should the detention basins be excavated into seasonally high groundwater.

5. Part D.2.e states that stormwater runoff will flow to adjacent properties. Exhibit A lists the waterbodies to which stormwater runoff is directed. Thermal impacts to the surface waterbodies are not discussed and should be identified and appropriate mitigation identified.
6. Overall, mitigation for the proposed action is minimal at best. As almost 80 acres of meadow and over 32 acres of forest are being lost as a result of the proposed development, the project sponsor is encouraged to consider additional conservation and/or restoration of vegetation to the extent practicable to improve stormwater mitigation and temperature moderation. Such measures could include the use of green roofs and solar energy especially since the building will be brand new and state of the art. The energy use for the proposed action is not identified; however the EAF states that the facility will operate 24 hours, 7 days a week. Often there are grants for design excellence for energy star rated buildings and building with environmentally friendly designs to reduce thermal impacts.

Furthermore, the expanded EAF indicates that buffer disturbances will be mitigated through an invasive species management plan. No details of this plan were provided. The species being treated should be identified, and the proposed treatment and restoration methods should be circulated for review. The location and extent of invasive species management areas should be shown on the plans as well.

7. Although the EAF indicates that the proposed action involves no excavation, this seems unlikely given the project layout and 145 acres of soil disturbance. However, this issue cannot be adequately reviewed without the plans including cut and fill balances. As such, DEP urges the applicant to submit a cut and fill balance along with a discussion of proposed construction phasing to allow a thorough review of potential adverse impacts to both ground and surface water.
8. The basis for the estimated water usage of 10,000 for ± 990 employees should be provided.
9. Recently, public attention has been directed to the available already developed commercial sites situated in proximity to major roadways such as Interstates 684 & 84 that may be able to support the proposed action. These include, but are not limited to, sites such as the former GAP Warehouse in Fishkill. The reason this is mentioned is that 57 acres of new impervious surface within close proximity to Middle Branch Reservoir represents a potential adverse impact to a surface sourced drinking water for more than 8 million consumers.
10. It is unclear that the proposed 2-lane car width of Pugsley Road is adequate for the amount of and type of traffic that will be generated as a result of the proposed action as the traffic study references a “typical warehouse”, yet the proposed action is not for a typical warehouse but for a complex repacking/redistribution center. Should this be the case, the amount of new impervious surface along this road will increase and the area for treatment of stormwater runoff will be diminished resulting in a negative impact.

Appendix C: Biological Assessment Report

Although the Biological Assessment Report does provide historical land use information and a description of the natural communities currently present, it fails to provide a location (i.e., map) and break-down in acreage of how much each type of community will be impacted. The consultant should provide a letter from New York National Heritage Program detailing plant and animal species known to occur in the vicinity. In addition to the nationally listed species, there are limits to conservation requirements for state-listed rare plant species, yet the report falls short in documenting whether any other species are present or found in the vicinity. Furthermore, impacts to each community and a list of wildlife species present or likely to occur should be added to the report as no information was provided in the section E.2.m of the EAF where species present would normally be listed.

The following comments refer specifically to the submitted set of drawings and preliminary SWPPP:

1. Based on the drainage area maps provided in the preliminary SWPPP, DEP anticipates substantial changes and revisions to the hydrologic analysis before a reasonable model of the runoff characteristics is available for review. Therefore, DEP cannot accept the results of the analysis that have been presented at this time.
2. Based on the preliminary sizing calculations provided for infiltration practices, it appears that the volume of runoff from the 1-year, 24-hour storm event tributary to several of the practices will be quite large. In fact, preliminary calculations indicate that the bottom of several infiltration basins will be on the order of ½ acre in size. Infiltrating this sheer volume of runoff from the 1-year storm alone in concentrated areas can result in faster flow through the underlying soils and/or saturation of underlying soils. This in turn might limit the ability of the underlying soil to adequately treat runoff prior to discharge to groundwater and/or result in surface outbreak on steeper slopes below the practice. The lead agency may wish to consider the effects of groundwater mounding under infiltration areas.
3. It appears that the infiltration practices have not been designed as off-line practices. This means that larger (attenuation) flows into the basins prior to discharge to detention basins. Not only is this type of design discouraged and/or disallowed by the NYS Stormwater Management Design Manual, it may also lead to excessive infiltrative loading on the basal area of the practice, and scouring or clogging of the practices from excessive velocities and debris.

Further, the entire berm for the stormwater management practice associated with the development of warehouse #2 is within the regulated NYS FWW buffer LC-28. Development in the wetland buffer, is a practice that DEP has consistently discouraged as modification to the wetland buffers alters the natural water quality enhancements that such areas provide.

4. It appears that proprietary hydrodynamic separators are proposed for treatment of runoff from new impervious surfaces associated with construction of Barrett Road. As Barrett Road is predominantly a “paper road” and does not exist, but for a narrow footpath for any significant length, it is not likely to be considered an “existing road” for the purposes of the Watershed Regulations. Further, little or no part of the length that does physically exist is paved. Therefore, it is not an existing impervious surface and the Design Manual redevelopment criteria does not likely apply. Proposed impervious surfaces in areas that are now pervious (including gravel) for Barrett Road, aligning Pugsley, Fields Corner, and Zimmer Roads must comply with requirements for new development. As such, it appears that the criteria for new development are not met for the project as proposed.
5. Drawing C-401 to C-405 Erosion & Sediment Control Plan. Note 7 should clarify that stockpiled materials are not to be placed within the dripline of any trees intended to be preserved on the site. These trees should be protected by an appropriate barricade/fence.
6. Note 9.A.1 indicates use of either annual or perennial ryegrass for temporary seeding. Please note that perennial ryegrass should not be used anywhere that will subsequently be seeded with native seed mixes as it will out-compete native grasses.

7. Note 10 states that all seeded areas shall be fertilized...as necessary to maintain vigorous, dense vegetative cover. Please note that this site is within a phosphorus-restricted drainage basin and fertilizers containing phosphorus should not be used. There are state regulations regarding use of fertilizers and recommendations for the use of phosphorus-containing fertilizers. In addition, within the New York City watershed it is recommended that fertilizers be applied as a result of soil testing that indicates a need for it rather than the manufacturer's recommendations.
8. No permanent seed mixes are noted here. Please note that permanent seed mixes should be appropriate to land uses and locations, particularly within wetlands and wetland buffers, in and around detention basins, and other areas.
9. Drawing C-501 to C-505 Landscaping Plan. Most species selected for the landscaping plan are either native or are not currently known to become invasive; however, it is recommended to reconsider the following species in the plant list or to provide additional details, as noted below:
 - a. Norway spruce, though commonly planted in the early 20th century, is not native to the U.S. and has been observed to reproduce in wetland areas, potentially becoming invasive and replacing native species. The native white spruce (*Picea glauca*) may be a better choice.
 - b. Arborvitae is known to be a species that can be decimated by deer in areas with high deer populations. If planting this species, consider using taller specimens (perhaps 8-10' tall) to get them out of reach of deer herbivory.
 - c. Although not yet listed by New York State as invasive, a couple of species on the list are known to escape cultivation easily and may become invasive locally (as is the case with Norway spruce). These include fountain grass and leatherleaf viburnum. Please consider replacing these with little bluestem (*Schizachyrium scoparium*) and wild hydrangea (*Hydrangea arborescens*).
 - d. No details are provided about the seed mixes: Deer Resistant Short Prairie Mix for Medium Soils, NYSDEC Stormwater Basin Mix #1 or NYSDEC Stormwater Basin Mix #2 on Drawing C-505. Not enough information is provided regarding the types of seed species contained in the mixes nor can it be determined whether the mixes are appropriate for use in the designated locations. Several companies have seed mixes with the Deer Resistant Mix namely (Prairie Nursery in Wisconsin, American Meadows in Vermont and Native American Seed in Texas) and none is a mix of species native to New York. While a small percentage of non-native species may be acceptable, it is preferred to limit this to less than 10%. Please have the project sponsor provide a complete list of species contained in each mix and, where applicable, the section of the New York State Standards and Specifications for Erosion and Sediment Control where it appears. Likewise, the quantity of seed per acre or per 1000 sq. ft. is not provided. Quantities of seed on a by-area basis- not just the area to be covered, should be called out on the plan.

- e. Drawing C-900 Construction Details. Detail 6 Tree Protection appears to provide adequate tree protection measures, however, it does not require the removal of part F, the wood bound to the trunk with 9 gauge wire to protect against mechanical injury, and G, the 8-12" of mulch to protect against root injury. If left in place after construction, either of these measures will cause tree mortality. Removal of these components once final grading is complete should be noted in the detail.
- f. Drawing C-903 Construction Details. Tree Staking Detail 56 - a note should be added to require the removal of stakes and bands before the end of the first year after planting. Leaving these materials in place will lead to tree mortality, over time.

Based upon the review of the materials received and the intensity of development, the proposed Type I action has the potential to result in at least one significant adverse environmental impact. Specifically, the project may result in a substantial adverse change in existing groundwater or surface water quality or quantity; as defined by 6 NYCRR 617.7(c)(1)(i); the removal or destruction of large quantities of vegetation (6 NYCRR 617.7(c)(1)(ii)); and/or the potential impairment of existing community or neighborhood character (6 NYCRR 61.7(c)(1)(v)). As such, DEP, as an involved agency, recommends that the Board issue a positive declaration and direct the applicant to prepare a Draft Environmental Impact Statement (DEIS). DEP further urges the Board to conduct public scoping in accordance with 6 NYCRR 617.8.

DEP submits this letter to you as lead agency as part of a coordinated SEQRA review. Thank you for the opportunity to provide comments. You may reach the undersigned at cgarcia@dep.nyc.gov or (914) 749-5302 with any questions or if you care to discuss the matter further.

Sincerely,



Cynthia Garcia, Supervisor
SEQRA Coordination Section

- X: A. Dangler, USACOE
- J. Petronella, NYSDEC
- M. Budzinski, P.E. PCDH
- D. Richmond, Zarin & Steinmetz
- JMC Planning, Site Development Consultants, LLC