



August 28, 2018

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

*Vincent Sapienza P.E.*  
*Acting Commissioner*

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

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Dear Mr. LaPerch and Members of the Planning Board:

The New York City Department of Environmental Protection (DEP) has reviewed the following documents for the above captioned project: 1) DEIS, accepted June 14, 2018, prepared by JMC Site Development Consultants, LLC., and 2) preliminary site plans prepared by JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC, last revised June 8, 2018.

Based upon the review of the documents received, DEP has a number of concerns about potential adverse water quality impacts resulting from the project. First, the potential for turbidity and increased pollutant loading associated with the increased rate and volume of stormwater runoff during and after construction, and the disturbance of steep slopes and wetland buffers. In particular, DEP is concerned about the project site constraints and limited ability to effectively manage and treat stormwater runoff by the preferred method of infiltration including the shallow groundwater condition that is exhibited on the site and which strictly prohibits the installation of infiltration practices. Further, there is a lack of information regarding mitigation of groundwater and stormwater impacts, construction sequencing and various other items detailed below. The comments are listed in accordance with the DEIS Chapters and are not listed in DEP's order of priority.

DEP respectfully submits the following for the Board's consideration:

**A. Executive Summary Overview**

1. The DEIS discusses the concept of maintaining 80% open space on the project site. This statement is misleading as only 195 acres of the site's approximately 328 acres, a little more than half, will remain undisturbed. This is due primarily to the presence of NYS-regulated freshwater wetlands on site that are protected and unbuildable. More importantly, the resultant percentage of property is designated as

“green” following disturbance/construction does not include any mention of conservation easements or other legally binding measures to ensure that open spaces remain “green.”

2. DEP is not in agreement with the statement that “the Project” “...meets the regulations of the NYCDEP.” In fact, the DEIS fails to demonstrate that the Project’s may comply with DEP’s Stormwater Pollution Prevention Plan (SWPPP) requirements.
3. The DEIS claims minimal impacts to the watershed, yet the document suggests otherwise. One of the goals of the SWPPP is to maintain pre-development hydrology patterns to the extent practical. The drastic increase of impervious surface in large discrete areas will significantly alter on-site hydrology, as shown in the post-development drainage maps. The result is a radical departure from the preexisting condition resulting in potentially adverse impacts to each wetland - overloading runoff to certain wetlands while decreasing surface flow to others. In addition, given the significant change from pasture and woodlands to paved surfaces coupled with the one million square footage of the proposed buildings, potentially adverse impacts such as thermal discharges to cold water fish habitat and increased pollutant loading are not satisfactorily, if at all, presented nor mitigated.
4. Table 1.1 of the executive summary indicates use of Nationwide Permit 39 for the proposed 0.05-acre wetland impact. Pursuant to General Condition 22 of the NWP’s, NWP 39 is not authorized in designated critical resource waters, which includes all waters in the East of Hudson Watershed (General Regional Condition G-F).

### III.B. Traffic

5. The conceptual roundabout and traffic signalized road improvement plans presented do not accurately depict the amounts of disturbance associated with either construction option. For instance, in order to incorporate the roundabout, a hillside cut and significant grading would be involved to allow for a level traffic circle. The on-site soils exhibit high groundwater that may result in seeps to the roadway surface thereby presenting a potential erosion and sedimentation hazard and surface water impact due to rilling and the inability to stabilize permanently. Moreover, the conceptual plans do not show the location of any areas for the treatment of stormwater runoff, as required.
6. The proposed intersection is in very close proximity to both a watercourse and NYS FWW LC-28. As you know, DEP regulates impervious surfaces within limiting distances of watercourses and NYS regulated wetlands. The addition of a roundabout is considered the construction of a new road per Section 18-39(a) (6) of the Watershed Regulations and as such would require a variance from Section 18-39.
7. Additional offsite improvements are mentioned at NYS Route 312 and near I-84. These improvements are not shown in detail nor is a discussion presented. Further, any road improvements will require the treatment of stormwater runoff. This information must be included in a revised DEIS/SEIS and circulated for review.

### III.D Surface Water and Wetlands

8. Almost 8 acres of wetland buffer disturbance is in no way considered a minor encroachment. A total of 2.44 acres of NYS and Town and 5.37 acres of Town-only regulated buffer buffers are listed as being disturbed. The EIS should specifically break down the total area of wetland buffer impact for each of the six wetlands on site.
9. Mitigation for the wetland encroachment at the Barrett Road crossing will be provided through restoration of the upper portion of wetland 4, but provides no indication of the size of the restoration area. The size of the restoration area should be provided, and its location should be included on the landscaping plans or on a separate restoration plan.
10. Part of the mitigation for the wetland encroachment at Barrett Road entails soil sterilization via solarization and replanting of sterilized soils with plugs of native sedges. A planting plan for this mitigation area should also be provided for review.
11. Page D-38 states that “wetland buffer impacts will be mitigated through extensive wetland plantings in the stormwater management basins.” However, the landscaping plans show only seeding for the basins. A detailed plant list should be provided.
12. Mitigation for the proposed action is misleading. Very few green infrastructure techniques or measures are actually proposed and some practices such as rain gardens, may not be appropriate for the proposed development. Alternatives that address commercial development, such as the use of a green roof, should be considered.

### III.E Geology, Soils and Topography

13. The results of soil testing completed in March 2018 revealed marginal soils which may not be entirely suitable for subsurface sewage treatment. In particular, the proposed septic areas of Buildings #1 and #2 have some sub-areas with failing, or near failing percolation rates, as well as depth to groundwater seepages of between two and four feet from grade. In fact, several percolation tests showed rates of 120 min/inch; note that the slowest soil percolation rate acceptable is 60 minutes/inch. While options to mitigate these soil conditions are available (e.g. curtain drains), the presence of groundwater less than 30 inches from grade will require testing for several months prior to approval. Given the marginal soil conditions, the applicant has not fully analyzed all potential impacts that subsurface sewage treatment systems pose to groundwater. Additional soil testing should be performed to be verify that suitable soils exist in these areas.
14. DEP witnessed soils testing at the project site and extremely shallow seasonal groundwater was observed throughout the project site. The proposed method to treat stormwater runoff from the approximately 60-acres of new impervious surface is infiltration. The on-site soil conditions do not support this treatment practice. As such, the project sponsor has failed to demonstrate that the proposed method of treatment is feasible and can support this level of development.

### III.G Vegetation and Wildlife

15. The DEIS states that Northern Long-eared Bat habitat will be unaffected as no tree cutting will occur from June 1-July 31 during pup rearing time. Current NYSDEC policies extend further protection of Northern Long-eared Bat habitat when tree cutting is proposed to occur April 1-October 31 and within 5 miles of a hibernaculum. For projects requiring tree removal to convert forest habitat to another land use that are within 5 miles of an occupied hibernaculum or 150' of a documented summer occurrence, a permit may be required. Please refer to current requirements regarding a disturbance permit here: <http://www.dec.ny.gov/animals/106090.html>.
16. Page III.G-16 refers the NYSDEC letter in Appendix I-2. The DEIS should also mention the potential need for an endangered species permit for tree removal. Permit staff should be contacted to provide appropriate site review regarding the potential requirement for a permit and this information should be part of the EIS.
17. The relationship between vegetation and wildlife impacts is not well discussed. The relative impacts not only to wildlife listed in this section, but to pollinators as well, is not discussed in relation to the reduction of habitats. As habitats of various types are diminished by development, wildlife become more concentrated in smaller areas which, in turn, causes other types of conflicts, such as vehicle accidents, herbivory of landscaping plants, etc. A revised DEIS should discuss the effect of habitat loss and the benefit, if any, of the connectivity of retained habitats and whether the planned re-vegetation will provide beneficial habitat for any wildlife.

### III.J Utilities

18. Page III.J-5 of the DEIS indicates that each building septic absorption field will have a capacity of 5,000 gpd; however, on the drawings, the septic areas are depicted with design flows of between 2,700 and 3,200 gpd. Given the marginal soil conditions, the applicant must ascertain that adequate space exists to accommodate these proposed subsurface systems at the expected flow rates. This review should be performed and presented during the SEQRA review process.

### Appendix G-1

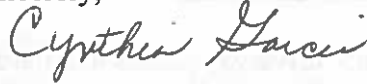
19. Appendix G of the DEIS describes "Wetland 6" as having suitable vegetation and hydrology for bog turtle habitat based on a Phase 1 bog turtle habitat survey that was completed. A copy of the Phase 1 survey information should be submitted to involved agencies for review.
20. It is recommended that protective measures be implemented such as double row silt fencing along the edge of Wetland 6, to keep turtles from entering work areas. While the document states that direct impacts to Bog Turtle habitat have been completely avoided it should be noted that bog turtles may travel in uplands that are adjacent to wetland habitat to relocate to new areas. Additional protective measures can include working in the winter season when bog turtles are hibernating.

## DEIS Preliminary Site Plan Approval Drawings

21. The site plans show a future driveway access to a parcel to be donated to Putnam County adjacent to the intersection of Pugsley Road and NYS Route 312. Neither the DEIS or site plans clarify how this road will be installed given the existing grades. Additionally, the DEIS should indicate if traffic from this driveway has been included in the traffic analysis. The driveway appears to serve a building on the future Putnam County property. No information such as location and utilities (water, sanitary) have been included in the DEIS. The relationship should be thoroughly discussed, presented and circulated for review in a SEIS.
22. With regard to the following plan sheets: Landscaping (C-501 to C-505), Erosion Control (E-401 to E-405) and Details (C-900, Tree Protection (6) and C-903 Planting and Staking Details (55-58)), seed mix contents are not listed on any of these drawings and do not provide sufficient guidance for stabilization. The project sponsor is urged to provide complete species lists for the following along with planting and staking details for other vegetation:
  - Native Steep Slope Mix with Annual Ryegrass
  - NYSDEC Stormwater Basin Mix #1
  - NYSDEC Stormwater Basin Mix #2
23. The site plans provided do not demonstrate that adequate phasing has been achieved through a balanced erosion and soil control plan to minimize the potential impacts to land and water. A cut and fill balance must be provided to realistically show that the project can be built and remain under the NYSDEC five (5) acres maximum clearing limit at any one time.
24. Experience has shown that hay bales do not filter stormwater but rather cause the stormwater to flow around the hay bales resulting in additional erosion and sedimentation. This note must be revised in accordance with the practices included in the *New York Standard Standards and Specification for Erosion and Sediment Control*.
25. The plan set did not include a floor plan layout of the warehouse building(s). It is understood that the buildings are speculative and no tenant has been identified, yet refrigeration and fire suppression are mentioned. Typically, discharges from floors are considered industrial waste and cannot be connected to the stormwater management facilities. Additional information regarding the primary mechanism for containing and removing liquid waste collected in any proposed floor drain system should be discussed in detail in a revised DEIS.
26. At this stage of the SEQRA review, an opportunity exists to amend the method of stormwater treatment, reduce impervious surfaces and avoid earthwork on slopes in excess of 20%.

Thank you for the opportunity to provide comments. You may reach the undersigned at [cgarciadep@dep.nyc.gov](mailto:cgarciadep@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

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