

# IV2 Rockland Warehousing and Logistics Center

Villages of Suffern and Montebello, Rockland County, New York

## LEAD AGENCY

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25 Old Mill Road (55.22-1-1)  
Route 59, Village of Suffern, NY (55.37-1-31)  
19 Hemion Road, Montebello, NY (55.06-1-1)  
Old Mill Road, Suffern & Montebello, NY

## PROJECT SITE OWNER

IV2 Rockland Logistics Center LLC

## DATE(S) OF SUBMISSION

August 4, 2023  
October 13, 2023  
November 14, 2023  
November 28, 2023

## DATE OF ACCEPTANCE

November 29, 2023

## WEBSITE WHERE THE FEIS WILL BE POSTED

<https://suffernny.gov/government/planning-board/projects/>



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Appendix J	Letter from Fire Chief Jeremy Kaufer, Suffern Fire Department dated October 12, 2023.
Appendix K	Revised USACE Wetlands Mitigation Plan by Capital Environmental Consultants, dated October 18, 2023.
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Appendix M	Email correspondences from Jason Brenner, NYSDOT, dated November 15, 2023 and November 30, 2023.



# Introduction and Executive Summary

## 1.1 Purpose of this Document

This document, together with the previously accepted Draft Environmental Impact Statement (DEIS) dated March 2023 represents the Final Environmental Impact Statement (FEIS) for the Proposed Project ("IV2 Rockland Warehousing and Logistics Center"). The Proposed Project is a warehousing and logistics center on the former site of the Novartis Office & Manufacturing Facility. The "Project Site" or "Subject Property" is located in the Village of Suffern and the Village of Montebello, Rockland County, New York. The proposed project includes demolition of the existing Novartis pharmaceutical complex<sup>1</sup> and construction of three (3) Class "A" warehouse/wholesale distribution facilities (the "Proposed Project"). The facilities would include 1,221,800 square feet (SF) of new warehouse construction with associated loading bays, trailer storage spaces and other site improvements including, but not limited to, lighting, landscaping, utilities and stormwater management facilities. The Project Site is located within the PLI – Planned Light Industrial Zoning District wherein warehousing uses are permitted as of right under the Village of Suffern Zoning Code. The Montebello portion of the Project Site is located in the PI-C – Planned Industry-Campus Zoning District of the Village of Montebello. No buildings are proposed for the Montebello portion of the Project Site.

This document is part of the official record under the New York State Environmental Quality Review Act (SEQRA) process outlined in Title 6 of the New York State Code of Rules and Regulations (6 NYCRR) Part 617, with statutory authority and enabling legislation under Article 8 of the NYS Environmental Conservation Law. The Suffern Planning Board is the Lead Agency for the project, as the development application that triggered the SEQRA process is under the jurisdiction of that entity. As lead agency, the Planning Board determined that the proposed project is a Type 1 Action pursuant to SEQRA, and the regulating provisions of 6 NYCRR Part 617. As lead agency under SEQRA, the Planning Board issued a Positive Declaration on the proposed project on June 22, 2022. The Draft EIS described the proposed project, identified site and area resources, discussed potential environmental impacts of the proposed project, presented measures to mitigate potential adverse impacts, and examined alternatives to the project.

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<sup>1</sup> Demolition, which was not subject to SEQR, has already occurred in consultation with the Suffern Building Department.

The Draft EIS was initially submitted to the Planning Board in September 2022 and, after a series of Village reviews and Applicant revisions and resubmissions, The Draft EIS was accepted as complete by that agency (as lead agency under SEQRA) on March 29, 2023. The Draft EIS was distributed to all involved and interested agencies and made available to the public at Village Hall, Suffern Free Library and online. The Planning Board held a public hearing on the Draft EIS on April 26, 2023. The lead agency accepted written public and agency comments through May 8, 2023. As required by SEQRA, this document addresses all substantive comments provided by the public and agencies during the Planning Board hearing and associated comment period.

This Final EIS represents the next step in the environmental review process, which provides the public and governmental review agencies with information regarding the proposal under review, as well as analyses of its potential environmental effects. The Final EIS incorporates the Draft EIS (**Appendix A**) by reference, so that the combination of these two documents constitutes the entire EIS. According to SEQRA regulations, after acceptance of the Final EIS by the lead agency, there must be a minimum 10-day public comment period prior to the preparation and adoption of a Findings Statement.

## 1.2 Organization of this Document

Comments on the Draft EIS were provided in two forms: verbally during the Planning Board public hearing, and written prior to and after the hearing. **Appendix B** contains the transcript of the Planning Board hearing. **Appendix C** contains the written comments received by the lead agency from governmental agencies and the public.

The FEIS is divided into three sections. Section 1, Introduction and Executive Summary, contains a brief description of the project studied in the DEIS and describes any updates or revisions to the DEIS. Section 1 also contains a summary of the permits and approvals required for the project and a summary of the project impacts and mitigation measures. Section 2 contains an index of all comments included in the FEIS, and Section 3 includes all substantive comments regarding the project received during the DEIS comment period and a response to each comment. The comments have been organized by topic area.

The Appendix contains all FEIS supporting documentation, including the minutes from the public hearing, a copy of all comment letters received and several supplemental analyses and supporting technical studies including:

- Landscape Plans (revised 6-13-23)
- Stormwater Pollution Prevention Plan (SWPPP) Erosion and Sediment Control Plan (revised)
- Traffic Impact Study (revised)
- Evaluation of Site Sound Emissions (revised)
- Supplemental Visual Impact Study

## 1.3 Project Updates and Revisions Since the DEIS was Issued

### Old Mill Road

Since the Draft EIS was issued, the Applicant has finalized the purchase of the 4.749 acre Old Mill Road property from the NYS Thruway Authority. The property is located adjacent to and west of Hemion Road and adjacent and south of the mainline section of the NYS Thruway in the Villages of Montebello and Suffern. As owner of the property, the Applicant has control over access to Old Mill Road and maintenance responsibilities for same. There are no easements, restrictions and/or other conditions that would affect the Applicant's future development and use of Old Mill Road. There is no access to or from the NYS Thruway from Old Mill Road.

### Demolition

As mentioned previously, the former Novartis complex, i.e., buildings and parking areas, have been demolished.

## 1.4 Supplemental Technical Studies Since the DEIS was Issued

Subsequent to adoption of the DEIS, several studies were prepared to address specific topics that were set forth in the DEIS Scoping Document. The results of those additional technical studies are summarized below, and included as appendices to the FEIS document.

### Supplemental Noise Analysis and Third Party Reviews

The Applicant engaged Ostergaard Acoustical Associates (OAA) to prepare the Evaluation of Site Sound Emissions, dated March 21, 2023, which was submitted as DEIS Appendix M. The Planning Board (Lead Agency), together with the Board's Planning Consultant, secured a third party acoustical consultant, Aurora Acoustical Consultants Inc. (AAC), to review the facility noise assessment prepared by the Applicant's acoustical consultant (OAA). AAC's review of the accepted DEIS resulted in further noise analyses that supplemented the DEIS assessments. The additional noise analyses are detailed in FEIS Correspondence #11. Per Aurora's substantive DEIS review, the sound survey was revised to address the DEIS Scoping Document and evaluate specific sensitive noise receptors in proximity to the Project Site. See FEIS Appendix H for the expanded Evaluation of Site Sound Emissions dated July 17, 2023. Overall, it was found that the original March 2023 sound survey provided comparable results to the new survey for nearby positions. Acquiring new data for additional receptors of interest established known sound levels for these locations which allowed better refinement of the sound study. Refer to comments and responses III.G.7 through III.G.20 for specific responses to AAC's comments contained in FEIS Correspondence #11.

AAC further reviewed the revised and expanded the Evaluation of Site Sound Emissions dated July 17, 2023 and provided a summary of their reviews of the updated study findings with comments (see FEIS Appendix C12, FEIS Correspondence #12). AAC concluded from their reviews that the expanded hourly assessments of facility operation, in comparison to hourly ambient sound survey data, representing additional nearest locations, support the conclusions that sound level increases should not be unacceptable in accord with the noise requirements of the village code and the NYSDEC noise policy.

It is concluded the projected sound level differences are below the NYSDEC recommended limit of 6 dBA to sound level increases caused by a source, and should be acceptable except to the most sensitive receptors. The differences might only be perceptible by individuals of increased sensitivities located along the southern boundary who might be outdoors or have open windows in the nighttime hours.

The day-night average ambient sound levels at each evaluated location were calculated from the ambient hourly average sound levels to approximately 55 dBA at most receiver locations. This is the NYSDEC recommended limit based on EPA guidelines. The future day-night sound levels may increase by 2-3 dBA with the noise contributions of facility operations, but the increases would not result in significant adverse impacts.

## Supplemental Visual Impact Study

On June 12, 2023, the Applicant's consultant team participated in a virtual meeting with the Village's Planning Consultants from Nelson Pope Voorhis (NPV). During this meeting, the visual perspectives for additional photo documentation and visual impact analyses were confirmed. The Applicant sent a team (architect, landscape architect and engineer) out into the field on June 21, 2023 to take photos for photo documentation from the following vantage points – these vantage points are located to the south of the project site and in proximity to proposed Buildings 2 and 3:

- Suffern Free Library
- Esther Gitlow Towers (existing multifamily senior housing complex)
- Tagaste Monastery
- New Antrim Pointe (new residential building)

The photos were taken utilizing a methodology recommended by the NPV team. Photographs from publicly accessible viewpoint locations were recorded with a DSLR camera with a focal length of 50 mm, which is widely accepted as it approximates the angle of view and magnification of human vision. Ortho locations were documented, and photos were taken for panoramic simulations. The purpose of the photo documentation is to determine if there will be an adverse visual impact to surrounding uses. The additional photo documentation and visual impact analyses supplement the prior visual impact analyses undertaken by the Applicant (DEIS Chapter III.L Visual Resources and DEIS Appendix Y - EDR Field Visibility Assessment Report).

Upon further review of the photos and aerial imagery of the vantage points listed above, NPV and the Applicant's team agreed that photo simulations would be undertaken from the Suffern Free Library and from Tagaste Library looking towards the closest proposed building (Building 3). It was also agreed that the following cross sections would be developed:

- Cross section from New Antrim Pointe to the southwestern corner of proposed Building 2
- Cross section from Esther Gitlow Towers to southeastern corner of proposed Building 2
- Cross section from Suffern Free Library to southeastern corner of proposed Building 3
- Cross section from Tagaste Monastery to southeastern corner of proposed Building 1

In addition, an aerial rendering is provided to show the relative limit of disturbance, vegetative coverage, and distances between the above listed cross sections. These materials are provided in FEIS Appendix I. Responses to Comments III.L.3 through III.L.16 reference the visual impact materials in FEIS Appendix I.

## 1.5 Summary of Required Permits and Approvals

Under the New York State Environmental Quality Review Act (SEQRA), involved agencies are those which have approval authority over a proposed action. Interested agencies are those other agencies that have an interest in a proposed action, but not an approval. Proposed Project reviews and approvals by involved agencies and reviews by interested agencies are listed in the following table.

**Table I-1 Project Approvals**

<b>Involved Agency</b>	<b>Approval/Review</b>
Village of Suffern Planning Board	<ul style="list-style-type: none"> <li>› SEQR</li> <li>› Site Plan Approval</li> <li>› Floodplain District Special Permit</li> </ul>
Suffern Board of Trustees	<ul style="list-style-type: none"> <li>› Stormwater Maintenance Agreement and Bonding</li> </ul>
Suffern Zoning Board of Appeals	<ul style="list-style-type: none"> <li>› Variance Approvals</li> </ul>
Suffern Department of Public Works	<ul style="list-style-type: none"> <li>› Sanitary and water supply approval</li> </ul>
Village of Montebello Planning Board	<ul style="list-style-type: none"> <li>› Site Improvements</li> </ul>
Rockland County Drainage Agency	<ul style="list-style-type: none"> <li>› Stream Control Act Permit</li> </ul>
Rockland County Department of Highway	<ul style="list-style-type: none"> <li>› Highway Work Permit</li> </ul>
Rockland County Industrial Development Agency	<ul style="list-style-type: none"> <li>› Approval of PILOT (Payment In Lieu Of Taxes)</li> </ul>
Rockland County Department of Planning	<ul style="list-style-type: none"> <li>› General Municipal Law (GML) Review: Section 239</li> </ul>
Rockland County Department of Health	<ul style="list-style-type: none"> <li>› Sanitary Sewer System Approval</li> <li>› Mosquito Breeding Suppression Plan Review</li> <li>› Backflow Prevention Device Approval</li> </ul>
New York State Department of Environmental Conservation	<ul style="list-style-type: none"> <li>› State Pollution Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-20-001)</li> <li>› Protection of Waters Permit</li> <li>› Section 401 Water Quality Certification</li> </ul>
New York State Department of Transportation	<ul style="list-style-type: none"> <li>› Roadway Work Permit</li> </ul>
New York State Office of Parks Recreation and Historic Preservation	<ul style="list-style-type: none"> <li>› Project Notification and Review</li> </ul>
United States Army Corps of Engineers	<ul style="list-style-type: none"> <li>› Standard Individual Permit (Wetlands Permitting)</li> </ul>

**Lead Agency:**

Village of Suffern Planning Board  
Village Hall  
61 Washington Avenue  
Suffern, NY 10901

**Interested Agencies:**

- › Village of Montebello Board of Trustees
- › Suffern Building Department
- › Suffern Fire District
- › Rockland County Office of Fire and Emergency Services
- › Norfolk Southern

**Status of USACE Consultation**

As per the Lead Agency's request, the Applicant has been actively engaged with the US Army Corps of Engineers (USACE) to assess the impacts associated with disturbance of on-site wetland and whether the USACE would require any additional mitigations as per their regulatory jurisdiction in issuing a Standard Individual Permit (Wetlands Permit). The following is an update on the status of the USACE consultation:

- The Applicant submitted a standard individual permit (SIP) package to USACE on August 3, 2023.
- The Applicant received an informal response from USACE staff via a telephone call on August 18, 2023, requesting additional wetland mitigation provided as part of the project.
- The Applicant reached out to USACE on October 3, 2023, asking if the Applicant were to expect any additional comments. The USACE responded that they were just waiting to review a revised mitigation measures for the project as per their informal response of August 18, 2023.
- The Applicant finalized a revised mitigation plan for USACE staff to review. The revised mitigation plan was submitted to USACE on October 13, 2023 (see FEIS Appendix K).
- Based on an email correspondence from USACE dated November 14, 2023 (see FEIS Appendix L), the current mitigation proposal is conceptually acceptable.

**Status of DOT Consultation and Mitigation**

The Applicant has been actively engaged with the New York State Department of Transportation (DOT) to review the proposed impacts to the state highway system and the need for mitigation. In particular the NYSDOT has been reviewing the traffic impact study (TIS) and projected impacts along the Route 59 corridor, including at the Route 59 / Hemion Road / and Route 59 / Airmont Road intersections. The review of the Traffic Impact Study will be ongoing as the Applicant progresses through final site plan review and as part of the Commercial Highway Work Permit (CWP) process.

Following a meeting between the Applicant's Traffic Engineers and DOT's Hudson Valley Traffic and Safety Group on November 27, 2023, the following is the status of the NYSDOT review: :

- The Traffic Impact Study (TIS) included traffic from the numerous developments pending in the area of the project and represents a cumulative impact analysis of the Route 59 corridor.
- The existing shared right-turn/bus lanes cannot be reassigned on the Route 59 intersection approaches and must be maintained as a shared right-turn/bus lane or exclusive bus lane.

- The implementation of the double left-turn movements at the Hemion Road and Airmont Road intersections (if required by NYSDOT) would likely require right-of-way (ROW) acquisition to comply with Department design standards.
- To the extent required by NYSDOT, the Applicant shall work with the applicable jurisdictions to acquire right-of-way from properties adjoining the intersections to facilitate the mitigations described above.
- For both the Airmont Road and Hemion Road intersections with Route 59, the mitigation being reviewed by the NYSDOT includes the following:
  - Extension of existing turn lanes within existing gore areas to provide increased vehicle stacking.
  - Radius modifications to improve vehicle turning movements.
  - Traffic signal equipment replacement to include camera detection and adaptive traffic signal control.
  - ADA ramp and pedestrian crossing upgrades at both intersections.
  - Modifications to the traffic signal timing and phasing to optimize intersection operations.
  - Mill & overlay of areas to be restriped.

This work would be completed by the Applicant. The DOT Highway Work Permitting would run concurrent with Site Plan approval through the Village of Suffern. Improvements that the NYSDOT requires shall be completed prior to issuance of the Certificate of Occupancy (CO).

In addition to these NYSDOT improvements, all other required improvements including those at Montebello Road and Hemion Road (as required by Rockland County Highway) will be completed by the Applicant prior to issuance of a Certificate of Occupancy in consultation with the applicable reviewing agency, i.e., Rockland County Highway Department.

The Finding Statement shall incorporate the following: "Prior to site plan approval, the Applicant shall actively and diligently coordinate with the NYS Department of Transportation ("NYSDOT") and the Rockland County Department of Highways and receive conceptual "sign-off" on the mitigations necessary to mitigate any significant adverse impacts created by the Proposed Action as required by each specific agency. The Final Environmental Impact Statement shall be amended prior to circulation to conform to this resolution and the email transmitted by Jason Brenner of the NYSDOT dated November 29, 2023."

## 1.6 Anticipated Impacts and Proposed Mitigation Measures

The following table provides a summary of the impacts anticipated to occur if the project is implemented along with the proposed mitigation measures to eliminate or offset, to the maximum extent practicable, adverse environmental impacts.

**Table I-2 Impact and Mitigation Summary**

Impact Category	Potential Impact	Proposed Mitigation Measures
Geology and Soils	<ul style="list-style-type: none"> <li>› 60.97 acres of disturbance (including 44.6 acres previously disturbed plus 16.37 acres of additional disturbance)</li> <li>› Estimated 300,000 cubic yards (CY) of fill material would be imported</li> <li>› 3.85 acres of steep slopes would be impacted and 0.37 acres of excessively steep slopes would be impacted</li> </ul>	<p>An Erosion and Sediment Control Plan (E&amp;SC) would be maintained throughout the construction period. Construction on steep slopes has been avoided to the greatest extent practicable. Construction would begin with the implementation of E&amp;SC measures and end with removal of temporary E&amp;SC measures. The use of retaining walls in select locations would limit the amount of grading necessary.</p>
Ecology and Natural Resources	<p>The Project Site currently consists of the former Novartis Office &amp; Manufacturing Facility buildings, associated parking, and a pond. The onsite buildings and associated parking are centrally located within the Project Site and bisect the forested habitat located within the eastern and western portions of the site, except that a southerly corridor presently exists connecting west to east. Currently, high value wildlife habitat exists within the eastern, western, and southern portions of the site within the oak-tulip tree forest, red maple hardwood swamp, floodplain forest, shallow emergent marsh, and marsh headwater stream habitats. Wildlife movement from the 12.13 acre Wetland A in the west to the 52.8 acre upland oak-tulip tree forest in the east is facilitated within the southern portion of the Project. With the Proposed Project, construction of Building 2 will result in onsite habitat fragmentation and further limit wildlife habitat and movement.</p> <p>The onsite and surrounding forested areas are secondary and tertiary growth forests that developed as a result of historic disturbances. While the Proposed Project proposes removal of mature trees and replacement with saplings, the onsite mature trees are part of a larger, mature, forested area sited to the east, south, and west of the project site. The trees to be preserved with the Proposed Project, as well as the adjacent forested areas to the south and east will continue to provide foraging, nesting,</p>	<p>The impacts associated with wetland disturbances will be mitigated through the creation of 110,213 square feet (2.53 acres) of wetland, enhances 63,624 square feet (1.46 acres) of wetlands, and enhances 56,899 square feet (1.31 acres) of wetland adjacent area along basin slopes by planting these areas with native species that will provide food and cover for wildlife habitat. However, to create such mitigation, additional forest and upland habitat is being removed. The mitigation plan propose to add 724 native trees and 154 native shrubs, creation of 110,213 square feet (2.53 acres) of wetlands, enhancement of 63,624 square feet (1.46 acres) of wetlands, enhancement of 43,959 square feet (1.01 acres) of wetland adjacent area along basin slopes, and planting a 12,940 square foot (0.30 acres), 5-foot-wide buffering hedgerow planted with native species to mitigate for wetland and forest removal. Mitigation will provide new freshwater wetland and associated adjacent area values including, but not limited to, new habitat, food and cover, supplement existing pathways for wildlife, storm control, and ecosystem cleaning. The Proposed Project will result in further habitat fragmentation of the Project Site by reducing the width of the southerly corridor, by adding buildings and roads through the corridor.</p>

Impact Category	Potential Impact	Proposed Mitigation Measures
	<p>and roosting habitat, as well as shelter for wildlife, although overall, the wildlife corridor will be severely limited to the south. Further, the Applicant owns the easterly property, and same could be developed in the future. No offer has been made to conserve the property. All tree to be planted in accordance with the Landscape Plan are native to New York. The Landscape Plan is provided in Appendix D of the FEIS. The tree mix and landscape plan will be finalized during site plan review. Efforts will be made to enhance the southerly corridor through additional refinements to the access drive layout.</p>	
<p>Wetlands, Waterbodies, and Watercourses</p>	<p>The Proposed Project requires placement of fill within regulated freshwater wetlands and totals approximately 3,716 SF (0.085 acres) of freshwater wetland disturbance, 97,132 SF (2.23 acres) of USACE regulated stormwater pond disturbance, and 583 SF (0.013 acres) of disturbance to USACE tributaries</p>	<p>Mitigation measures have been prepared and implemented in accordance with a USACE Standard Individual Permit (SIP) to successfully offset impacts to the onsite waters of the United States. The applicant will comply with mitigation requirements provided by USACE project staff reviewing the SIP application. The proposed project provides for the following mitigation:</p> <ul style="list-style-type: none"> <li>• Hedgerow (259 Shrubs) = 12,940 SF</li> <li>• Hedgerow (Grass Seeding) = 43,959 SF</li> <li>• Stormwater Infiltration Basins = 68,646 SF</li> </ul> <p>Mitigation, as related to USACE permitting, requires a 1:1 mitigation ratio for the existing on-site pond, a man-made dammed/impounded waterbody created in upland.</p>

Impact Category	Potential Impact	Proposed Mitigation Measures
		<ul style="list-style-type: none"> <li>• Total disturbance inclusive of the on-site pond is 2.329 acres (101,431 SF)</li> <li>• Total wetland disturbance is 0.099 acres (4,299 SF)</li> <li>• Total pond disturbance is 2.23 acres (97,132 SF)</li> <li>• Total proposed mitigation is 2.882 acres (125,545 SF), greater than a 1:1 ratio.</li> </ul>
Stormwater Management	<p>The Proposed Project would consist of 68,646 SF (1.57 acres) of planted infiltration basins and 43,959 SF (1.01 acres) of enhanced basin slopes. The proposed development coverage area would increase from 20.86 acres within the Village of Suffern portion of the Project Site to 52.79 acres of impervious surface coverage, an increase of 31.93 acres.</p>	<p>A Stormwater Pollution Prevention Plan (SWPPP), which includes the applicable stormwater management practices for the development, has been prepared. A detailed Erosion and Sediment Control Plan would mitigate the short-term impacts of the development during construction. The Erosion and Sediment Control Plan includes descriptive specifications concerning land grading, topsoiling, temporary vegetative cover, permanent vegetative cover, vegetative cover selection and mulching, and erosion checks.</p> <p>Overall, with the implementation of the proposed stormwater management system, the Proposed Action will have no adverse impacts on downstream properties or stormwater conveying systems, and in fact will significantly improve overall runoff rates from the Project Site.</p>
Hazardous Materials	<p>RECs on the Project Site include:</p> <ul style="list-style-type: none"> <li>› Sewer break during construction activity in 1998</li> <li>› Groundwater infiltration was reported to have occurred at the main sewer pipeline</li> <li>› Five partially buried fiber-board drums containing brownish-green particulate material</li> <li>› Hazardous waste storage shed</li> </ul> <p>The analytical results from the Phase II EI for the five soil boring samples showed exceedances of soil cleanup objectives and the groundwater testing showed that there were exceedances of semi-volatile organic compounds and metals. Furthermore, numerous building materials were tested and found to be asbestos containing.</p>	<p>Abatement of asbestos-containing material (ACM) would be required prior to demolition of on-site buildings. Concrete flooring and building interior walls would be assessed to address disposal options during redevelopment. Regulatory requirements relating to hazardous building materials, such as asbestos, polychlorinated biphenyls (PCBs) and lead would be followed as part of standard redevelopment practices. Standard demolition practices such as the removal or abatement of any existing chemicals on-site would be employed prior to construction of the proposed buildings.</p>
Traffic and Transportation	<p>The trip generation from the Proposed Project is as follows:</p> <p>Weekday Peak AM Entry – 186</p>	<p>The following mitigation measures are proposed:</p> <p><b><u>Airmont Road (CR 89) / Route 59 intersection and Hemion Road / Route 59 intersection:</u></b></p> <ul style="list-style-type: none"> <li>○ Extension of existing turn lanes within existing gore areas to provide increased vehicle stacking.</li> </ul>

Impact Category	Potential Impact	Proposed Mitigation Measures
		<ul style="list-style-type: none"> <li>○ Radius modifications to improve vehicle turning movements.</li> <li>○ Traffic signal equipment replacement to include camera detection and adaptive traffic signal control.</li> <li>○ ADA ramp and pedestrian crossing upgrades at both intersections.</li> <li>○ Modifications to the traffic signal timing and phasing to optimize intersection operations.</li> <li>○ Mill &amp; overlay of areas to be restriped.</li> </ul> <p>The DOT Highway Work Permitting would run concurrent with Site Plan approval through the Village of Suffern. Improvements are required to be completed prior to issuance of the Certificate of Occupancy (CO). These improvements, along with the signal timing modifications, would need to be coordinated with the NYSDOT and appropriate utility companies. Funding of the necessary improvements would be provided by the Applicant.</p>

Impact Category	Potential Impact	Proposed Mitigation Measures
		<p><b><u>Airmont Road (CR 89) and the I-87 SB/I-287 EB Ramps:</u></b> Signal timing modifications would need to be coordinated with the operator of the signals. No roadway improvements or additional right-of-way would be necessary.</p> <p><b><u>Airmont Road (CR 89) and the I-87 NB/I-287 WB Ramps:</u></b> Signal timing modifications would need to be coordinated with the operator of the signals. No roadway improvements or additional right-of-way would be necessary.</p> <p><b><u>Montebello Road (CR 64) &amp; Hemion Road (CR 93)/Ryan Mansion Drive:</u></b> Convert the intersection to multi-way stop control. Additional improvements to ensure consistent operations of the Suffern Middle School driveways may also be necessary. Construction should be scheduled during the summertime to occur during school breaks. Funding of the necessary improvements would be provided by the Applicant.</p> <p><b><u>Hemion Road (CR 93) &amp; Old Mill Road</u></b> Widen Hemion Road to provide a dedicated left turn lane with 75' of storage length and a dedicated through lane on the northbound approach. The southbound approach of Hemion Road is proposed to provide a shared through/right turn lane. No changes are proposed to the eastbound approach of Old Mill Road, which currently provides a shared left turn/right turn lane.</p>
Noise	Mechanical equipment would be designed, constructed, and located in a manner to comply with NYSDEC policy and the Village of Suffern Code. No significant adverse stationary	1. Construct two sound barriers as shown in the Site Plans. Both barriers will be carried to 15 feet above the paved truck court. The sound barrier for Building 2 will be approximately 130 feet in length; the sound barrier for Building 3 will be approximately 375

Impact Category	Potential Impact	Proposed Mitigation Measures
	<p>source noise impacts are anticipated for the Proposed Project.</p> <p>Trips generated by the Proposed Project are expected to primarily travel on already heavily-trafficked roadways and receptor locations are located at a distance away from the Project Site so as not to be an acoustical concern. Therefore, a substantial change in mobile source noise is not anticipated and there would be no significant adverse noise impact due to mobile sources.</p> <p>Construction of the Proposed Action would be conducted in accordance with the Village of Suffern Code to minimize potential impact.</p>	<p>feet in length. Note that to be effective, the noise control barrier will meet the following requirements:</p> <ol style="list-style-type: none"> <li>a. The barrier needs to be solid, without openings, and be of sufficient surface weight. A recommended minimum surface weight for the barrier is 7 lbs./ft<sup>2</sup>.</li> <li>b. Appropriate materials of construction for the barrier include 5/8-inch-thick sheet steel piling, precast or poured-in-place concrete, treated wood/engineered lumber, acoustical metal panels, or other hybrid system specifically manufactured for the purpose.</li> <li>c. The barrier, being solid, will be designed to resist wind load. Hence, it is a structure that requires engineered footings, the design of which will be overseen by structural professionals.</li> </ol> <p>2. To minimize any potential complaints from back-up alarms, trucks owned and controlled by the site will be outfitted with smart, ambient sensing, multi-frequency back-up and tonal alarms.</p>
<p>Air Quality and Greenhouse Gases</p>	<p>The Proposed Project would not cause significant adverse air quality impacts from its HVAC and hot water system or parking emissions. Impacts of vehicular emissions from the project generated trips would also be insignificant.</p>	<p>The Proposed Project would not cause any significant adverse air quality impacts at the nearby sensitive land uses that are located at least 600 feet away. No mitigation measures to reduce air quality impacts are required.</p> <p>The project plans to use sustainable features to further reduce climate change impacts. The proposed warehouses would be designed to accommodate the load standards for solar capabilities on the roof. If the tenants install solar panels, it would offset direct and indirect GHG emissions from project operations, on the way to net zero. In addition to designing the warehouses to accommodate the load standards for solar capabilities on the roofs, the following GHG emission reduction measures will help the project achieve net zero:</p> <ul style="list-style-type: none"> <li>• Use of building materials including reflective paint that would reduce the use of HVAC;</li> <li>• Installation of electric vehicle charging stations: 15 charging stations altogether, 10 near Building 1, 3 near Building 2 and 2 near Building 3. Installation of electric charging stations</li> </ul>

Impact Category	Potential Impact	Proposed Mitigation Measures
		<p>will promote the use of electric cars by vehicles coming to the warehouses;</p> <ul style="list-style-type: none"> <li>• The installation of highly reflective white Polyolefin (TPO) roofing to minimize heat reduce cooling needs;</li> <li>• Design and use of native and water-efficient landscaping;</li> <li>• Develop and implement a marketing strategy that includes posting and distribution of information;</li> <li>• Efficient use of lighting, HVAC, hot water, etc. in the warehouses during operation:             <ul style="list-style-type: none"> <li>○ Eliminate or reduce the use of inefficient HVAC systems;</li> <li>○ Install motion sensors and high-efficiency lighting and climate control;</li> <li>○ Use efficient directed exterior lighting;</li> <li>○ Use water conserving fixtures meeting code requirements;</li> <li>○ Incorporate glazing on windows;</li> <li>○ Promote and facilitate recycling, on-site storage and collecting recycling bins in design;</li> <li>○ Apply for LEED certification. LEED Building Environmental Design (LEED BD) Building Council rating system provides a framework for healthy, efficient, and cost-saving buildings. LEED goal is to improve energy efficiency, reduce carbon emissions, enhance indoor air quality, and create more equitable communities.</li> </ul> </li> <li>• Use sustainable practices during construction to reduce emissions:             <ul style="list-style-type: none"> <li>○ Use local construction materials to reduce transportation emissions. Use building materials that are energy-efficient and manufactured within the region to reduce emissions.</li> <li>○ Use building materials with low embodied energy.</li> <li>○ Dispose of construction waste responsibly.</li> <li>○ Preserve undeveloped land;</li> </ul> </li> </ul>

Impact Category	Potential Impact	Proposed Mitigation Measures
		<ul style="list-style-type: none"> <li>○ Restore and green out the developed land where possible after construction.</li> </ul>
Historical, Archaeological and Cultural Resources	The Proposed Project would not cause direct impacts to the Tagaste Monastery located approximately 600 feet south of the southernmost improvements proposed on the Project Site.	The Proposed Project would not have significant adverse impacts on historic, archaeological, or cultural resources. Blasting is not proposed.
Utilities	<p>Projected water and sewer demand is approximately 6,750 gallons per day, which is anticipated to be a decrease in demand when compared to the existing Novartis Pharmaceutical facility.</p> <p>The proposed development would utilize the existing service connection for sanitary sewer, natural gas service, and electric service to the maximum extent practicable.</p>	The Applicant has incorporated energy saving measures and water saving fixtures into the design of the facility. The Proposed Project has been designed with features to promote energy efficiency and other sustainability metrics.
Community Facilities and Services	The Proposed Project is expected to introduce approximately 400 full-time and 50 part-time new employees to the Project Site. On-site population (comprised of warehouse workers, and visitors) could result in an increase in the demand for police, fire, and emergency services.	<p>The Proposed Project includes features to increase site safety and reduce demand for police protection, including on-site security measures such as security cameras installed throughout the proposed development, security gates at the site entrances, exterior lighting, key card access to all buildings, and an internal circulation design to minimize collisions.</p> <p>The buildings will meet or exceed the requirements of the NY State Fire Code. These three (3) Warehouses will include state of the art Fire Sprinkler Systems throughout the building. Depending on the product to be stored within the warehouse, there may be fire suppression systems (ESFR) located within the racking systems to be able to handle a fire event in a localized area. Building 1 will be approximately 51 FT Tall and include various Fire Department Connections (FDC), ladders on the outside of the building for quick access to the roof and a full fire loop around the building with various Fire Hydrant connections. The Site Plan has also been designed to provide full circulation around Building 1 and three sided circulation around Buildings 2 and 3.</p>

Impact Category	Potential Impact	Proposed Mitigation Measures
		Solid waste generated by the Proposed Project would be carted off-site via a private carter.
Visual Resources	The aesthetic character of the Project Site would not change significantly as a result of the Proposed Project, as the site would maintain its character with one- or two-story large footprint buildings and limited visibility to and from the surrounding roadways.	Visibility of the Project Site buildings would be largely limited to Old Mill Road, finite locations along Hemion Road, and visibility from adjoining properties to the south of the Project Site. However, the Project Site would be less visible from adjoining properties during spring, summer, and fall months when leaves are on the trees. The Proposed Project would also maintain a portion of the wooded area along the southerly property boundary that would provide buffering from the proposed buildings on the Project Site, and would overall reduce maximum building heights as compared to existing conditions.
Fiscal Impacts	Substantial property tax benefits to all applicable taxing jurisdictions. PILOT structured over a ten (10) year period. PILOT payment in year one would be \$1,551,049 based on the current taxes. In year two, the PILOT payment would increase to \$1,922,331 based on the improved property valuation post-construction. In years three through ten the full property taxes would have a 2 percent increase over the prior year. Following the ten-year PILOT period with the phased tax increases in years three through ten, standard real estate tax rates would apply resulting in estimated annual property taxes of \$6.2 million. ±643 construction jobs over a two-year period. This includes 384 direct jobs, 90 indirect jobs, and 169 induced jobs. The Proposed Project would introduce ±400 full-time and 50 part-time new employees to the Project Site.	Given the nature of the Proposed Project, the generated property taxes, sales taxes, and other fiscal benefits are expected to exceed any service costs by affected taxing jurisdictions based on the information gathered for this DEIS. There is also a significant building permit fee that would be paid to the Village of Suffern.
Construction	Construction of the Proposed Project would likely result in several temporary environmental impacts. Impacts generally associated with construction consist of noise from the operation of heavy equipment; fugitive dust and emissions from the operation of construction equipment; construction traffic relating to employee arrival/departure and material deliveries; and increased soil erosion from on-going earthwork operations. It is anticipated that construction of the Proposed Project would take ±26 months to complete.	A sequencing plan, rock removal plan, Sediment and Erosion Control Plan, air quality construction emissions mitigation measures, Stormwater Pollution Prevention Plan, and best practices to meet project noise goals, are anticipated to mitigate impacts that could result from construction activities.  <b><u>Specific Noise Mitigation Measures</u></b> The following construction mitigation measures will be implemented to minimize sensitive receptor exposure to construction noise during the construction phase:

Impact Category	Potential Impact	Proposed Mitigation Measures
		<ul style="list-style-type: none"> <li>• Limit all heavy equipment operation to non-noise-sensitive daytime hours and follow allowable Village construction hours as applicable. Any construction activity in Montebello should not exceed an L10 of 60 dB(A).</li> <li>• Limit the number of equipment operating near one receptor at a given time. Avoid exposing any one receptor to high sound levels for an extended period of time.</li> <li>• Place stationary equipment such as generators, compressors, and office trailers away from receptors.</li> <li>• Avoid having construction parking or laydown areas nearby receptors.</li> <li>• Coordinate any high sound level construction activities with Village representatives and provide advance notice to residences.</li> <li>• Blasting is not proposed.</li> <li>• These measures shall be shown on the final site plan as part of a construction phasing plan.</li> </ul>

## 2

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Correspondence #8 Letter	Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning	Wetlands, Water Bodies, and Watercourses	III.C.1
Correspondence #8 Letter	Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning	Wetlands, Water Bodies, and Watercourses	III.C.2
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Correspondence #8 Letter	Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning	Project Description	II.8
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Correspondence #9 Email	Laura Ripley, P.E, Capital Program Manager, New York State Thruway Authority	Traffic	III.F.72
Correspondence #9 Email	Laura Ripley, P.E, Capital Program Manager, New York State Thruway Authority	Traffic	III.F.73
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Correspondence #9 Email	Laura Ripley, P.E, Capital Program Manager, New York State Thruway Authority	Traffic	III.F.77

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Correspondence #9 Email	Laura Ripley, P.E, Capital Program Manager, New York State Thruway Authority	Traffic	III.F.78
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Correspondence #9 Email	Laura Ripley, P.E, Capital Program Manager, New York State Thruway Authority	Traffic	III.F.80
Correspondence #9 Email	Laura Ripley, P.E, Capital Program Manager, New York State Thruway Authority	Traffic	III.F.81
Correspondence #9 Email	Laura Ripley, P.E, Capital Program Manager, New York State Thruway Authority	Traffic	III.F.82
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Correspondence #10 Letter	Nelson Pope Voorhis	Engineering Plans	EP.44
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<b>Comment Source/Key</b>	<b>Commenter</b>	<b>FEIS Subsection</b>	<b>Comment /Response Number</b>
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Correspondence #10 Letter	Nelson Pope Voorhis	Engineering Plans	EP.67
Correspondence #10 Letter	Nelson Pope Voorhis	Hazardous Materials	III.E.2
Correspondence #10 Letter	Nelson Pope Voorhis	Hazardous Materials	III.E.3
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Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.86
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<b>Comment Source/Key</b>	<b>Commenter</b>	<b>FEIS Subsection</b>	<b>Comment /Response Number</b>
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.91
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Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.93
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.94
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.95
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.96
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.97
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.98
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.99
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.100
Correspondence #10 Letter	Nelson Pope Voorhis	Traffic and Transportation	III.F.101
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Correspondence #10 Letter	Nelson Pope Voorhis	Noise	III.G.4
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<b>Comment Source/Key</b>	<b>Commenter</b>	<b>FEIS Subsection</b>	<b>Comment /Response Number</b>
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Correspondence #10 Letter	Nelson Pope Voorhis	Engineering Plans	EP.82
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Correspondence #10 Letter	Nelson Pope Voorhis	Visual Resources	III.L.2
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Correspondence #10 Letter	Nelson Pope Voorhis	Visual Resources	III.L.4
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<b>Comment Source/Key</b>	<b>Commenter</b>	<b>FEIS Subsection</b>	<b>Comment /Response Number</b>
Correspondence #10 Letter	Nelson Pope Voorhis	Visual Resources	III.L.9
Correspondence #10 Letter	Nelson Pope Voorhis	Visual Resources	III.L.10
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Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.9
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.10
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.11
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.12
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.13
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.14

<b>Comment Source/Key</b>	<b>Commenter</b>	<b>FEIS Subsection</b>	<b>Comment /Response Number</b>
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.15
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.16
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.17
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.18
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.19
Correspondence #11 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.20
Correspondence #12 Letter	Aurora Acoustical Consultants Inc	Noise	III.G.21

# 3

## Comments and Responses

The following section includes all substantive and relevant comments on the IV2 Rockland Warehousing and Logistics Center DEIS including comments provided during the Public Hearing held on April 26<sup>th</sup>, 2023, and written comments submitted during the written comment period. Comments are separated by topic area.

### Cover Sheet

#### *Comment CL1*

Please make sure the list of plans identified in the coversheet matches the plans. Existing Condition Plan and Construction details are missing.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

#### *Response CL1*

Comment noted. The Applicant will comply as part of the Site Plan submission process.

### Engineering Plans

#### *Comment EP.1*

(Existing Condition/Demolition Plans) Identify the limits of disturbances accurately on the existing condition/demolition plans.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

#### *Response EP.1*

Comment noted. The Applicant will comply as part of the Site Plan submission process. Should additional disturbances occur as a result of revisions made to the site plan, the Planning Board, as Lead Agency, has the authority to require additional SEQR evaluation, if necessary, and if the change is not de minimus.

**Comment EP.2**

(Existing Condition/Demolition Plans) Provide references for approvals from agencies for wetland disturbance or work within the setbacks.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.2**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.3**

(Site Plans) Propose "no parking sign" for accessible striped stalls and stop signs as required with proper callouts.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.3**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.4**

(Site Plans) Specify limits of disturbances on the Site Plans.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.4**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.5**

(Site Plans) Specify bollards for the light pole bases for protection.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.5**

Area Light Poles located within paved parking areas will sit on a concrete pedestal to protect the light pole. Area Light Poles located in the grass areas will be protected by the concrete curbing.

**Comment EP.6**

(Site Plans) Propose fall protection per NYS code as needed and identify them.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.6**

Although not in the fire code, the Fire Inspector confirmed that typical fall zone standards are 1.5 times the height of the buildings. Buildings 1 and 3 are separated by 215.6 feet and buildings 2 & 3 are separated by 476.6 feet allowing adequate space. All fire and safety requirements will be satisfied throughout the Site Plan approval process.

Based on the letter received from Fire Chief Jeremy Kaufer dated October 12, 2023, the fire department has reviewed the proposal with the Applicant and has no outstanding concerns. The letter from the Fire Chief is included in the FEIS as Appendix J.

***Comment EP.7***

(Site Plans) Check width of drive aisles at turning radii and make sure it meets the required widths.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.7***

Markups on site plan set have been discussed and coordinated with the Village Engineering Consultant. Required items that fall under the scope of SEQRA have been provided under separate cover. The remaining comments will be addressed prior to site plan approval, as required.

***Comment EP.8***

(Site Plans) Provide setbacks from wetlands and add references of approval for relocation of wetlands/areas where the setbacks are not met.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.8***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.9***

(Site Plans) Identify surface cover for each surface and label them.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.9***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.10***

(Site Plans) Propose trash compactor at the final location. If placed within the loading dock, stripe the space.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.10***

The installation of trash compactors will be a decision of the future tenants and if desired will comply with all zoning requirements. The submitted sound study demonstrates that sound emissions from the project will not have adverse impacts.

***Comment EP.11***

(Site Plans) Retaining walls shall be specified with the start and end location label. Identify the exact location with proper dimensions and top and bottom of wall elevations.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.11***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.12***

(Site Plans) Provide legend for signs and symbols.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.12***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.13***

(Site Plans) Site Plan notes are missing.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.13***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.14***

(Site Details) Site details shall comply with the local jurisdiction, not NJ.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.14***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.15***

(Site Details) Please provide project specific site details for paving and comply with jurisdiction and geotechnical recommendation.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.15***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.16***

(Site Details) Site concrete/exposed concrete shall comply with the NYS Code.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.16***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.17**

(Site Details) HDPE UG basin shall provide 4'-0" ground water separation, if not, please provide waiver from NYSDEC.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.17**

The basin is at least four feet from the groundwater due to the Sole Source Aquifer requirements. The applicant does not intend to seek a waiver from the NYSDEC.

**Comment EP.18**

(Site Details) Provide detailed calculations for the orifice and detention walled basin.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.18**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.19**

(Administrative) Add jurisdictional compliance notes.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.19**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.20**

(Administrative) Upon receipt of a re-submission further comments will be issued.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.20**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.21**

(Administrative) Add references to all agency approvals for clarity.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.21**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.22***

(Administrative) SWPPP will be reviewed upon revisions to the plans as the area of disturbance may be different with the plan revisions.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.22***

SWPPP was previously submitted. Specific exhibits and additional information has been coordinated with and provided to the Village Engineering Consultant. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.23***

(Grading Plans) Provide clear contour tie-in with existing contours.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.23***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.24***

(Grading Plans) Slopes within the landscape areas shall not exceed 33%. Confirm and provide proper mitigation methods where it exceeds 33%.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.24***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.25***

(Grading Plans) Provide accessible areas with additional spot elevations, cross slopes and running slopes for clarity. Provide 10 scape view ports for the accessible routes and egress doors that are required to meet the accessible design requirements.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.25***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.26***

(Grading Plans) Provide profiles for the retaining walls and provide elevations at both low side, high side, and the top of wall elevations.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.26**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.27**

(Grading Plans) Grading shall be revised such that the site doesn't drain to the ROW or towards the building.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.27**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.28**

(Grading Plans) Provide approvals/documentation for grading within the wetlands.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.28**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.29**

(Grading Plans) Coordinate grading with landscaping to ensure the limits of vegetation to remain is accurate with the proposed grading.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.29**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.30**

(Grading Plans) Fix incorrect spot elevations.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.30**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.31**

(Soil Erosion and Sediment Control Plans) Provide pre-construction and during construction sequences. Provide construction phasing plans for further review.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.31**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.32***

(Soil Erosion and Sediment Control Plans) Provide details of storm storage during construction, details of sediment basins, sediment traps or other storage.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.32***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.33***

(Soil Erosion and Sediment Control Plans) Provide calculations for storage per NYS Blue Book.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.33***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.34***

(Soil Erosion and Sediment Control Plans) Plans shall comply with the NYS Stormwater Design manual. Revise the plans for further review.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.34***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.35***

(Landscape Plan) Address all conflicts with utilities, catch basins, UG structures, pipes and proposed landscaping.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.35***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.36***

(Landscape Plan) Review proximity of trees and retaining walls and provide constructability notes.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.36***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.37**

(Drainage Plans) Demonstrate the groundwater separation for infiltrating drainage structures is 4'-0". Demonstrate that all drainage structures are outside the influence of groundwater, if not provide buoyancy calculations for submerged structures.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.37**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.38**

(Drainage Plans) Provide tributary area map for roof drains and provide pipe capacity calculations for roof drains and conveyance pipes.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.38**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.39**

(Drainage Plans) Proposed 4'-0" manholes with 3 to 4 - 18" diameter pipe penetrations will compromise structural integrity. Document with calculations or provide appropriate structures.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.39**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.40**

(Drainage Plans) Similar to manholes, review outfall structures and size them appropriately.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.40**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.41**

(Drainage Plan) Provide tributary area map for the site drainage.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.41**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.42**

(Drainage Plan) Provide horizontal and vertical separation distances between the drainage and the utilities. Ensure code compliance for the separation proposed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.42**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.43**

(Drainage Plan) Provide key map for interconnecting drainage systems.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.43**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.44**

(Drainage Plan) Provide flow direction of drainage pipes.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.44**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.45**

(Drainage Plan) Reducing the pipe size in the direction of flow is not recommended. Revise the plans.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.45**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.46**

(Drainage Plan) Provide calculations for the pre-treatment devices.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.46**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.47**

(Drainage Plan) Provide access ports for the UG storage for maintenance purposes.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.47**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.48**

(Drainage Plan) Fix conflicts between manholes and curbs, retaining walls, site elements.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.48**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.49**

(Drainage Plan) Site shall drain away from the building not towards the building.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.49**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.50**

(Drainage Plan) Provide details for pipe penetration through retaining walls.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.50**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.51**

(Drainage Plan) Provide details for retaining wall drains, footing drains etc.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.51**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.52**

(SWPPP) Provide tributary areas based on site grades, contours, identify contributing areas, surface cover for such areas clearly. Based onsite grading plans, there are locations where the site drains to NYS ROW and takes flow from NYS ROW, flows towards building and portions of existing area contributing to site stormflow not included etc.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.52**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.53**

(SWPPP) Provide confirmation on ground water separation meeting NYS requirements for each drainage system (infiltration and conveyance).

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.53**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.54**

(SWPPP) Show limits of disturbance accurately, excavation drawing will help to understand the constructability of retaining walls, limits of disturbance. Adjust area calculations accordingly.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.54**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.55**

(SWPPP) Show clearly how stormflow will be handled during construction. Sediment basins, sediment traps? Storage during construction?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.55**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.56**

(SWPPP) Show how wetland areas remain protected during construction and how wetland areas impacted are treated during construction.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.56**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.57**

(SWPPP) Provide detailed calculations for existing and proposed runoff calculations.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.57**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.58***

(SWPPP) Provide detailed calculations for RRV using standard practices and alternate practices and provide percentages for each.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.58***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.59***

(SWPPP) Provide key map to relate the watershed model with the Site plan.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.59***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.60***

(SWPPP) Provide stormwater system profile for the conveyance and storage system.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.60***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.61***

(SWPPP) Provide summary table for the input data for the hydrographs. Infiltration rates vary from 5 inches/hour-24 inches/hour, including rates used for individual infiltration systems.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.61***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.62***

(SWPPP) Site drainage systems, specifically infiltration systems, are proposed within the fill areas will need notes to confirm that the soil shall be tested for adequate infiltration rates prior to installation of the system.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.62***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.63**

(SWPPP) SWPPP requires further detailed review upon revising the limits of disturbance, tributary areas, providing storm system profile along with the input data for the hydro model.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.63**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.64**

(Administrative) Add Jurisdictional compliance notes.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.64**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.65**

(Administrative) Submit detailed phasing plans.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.65**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.66**

(Administrative) Upon receipt of a re-submission further comments will be issued.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.66**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.67**

(Administrative) Add references to all agency approvals for clarity.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.67**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.68**

(Vehicle Circulation) Identify fire truck apparatus access road and compliance with NYS Code.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.68**

Sheet 100 within the Civil Drawings incorporates the Suffern Fire Department 19-Tower.

**Comment EP.69**

(Vehicle Circulation) Provide truck turning movements to the end stalls while the trailers are parked.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.69**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.70**

(Utility Plans) Show sizes for utilities.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.70**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.71**

(Utility Plans) Add a crossing table with inverts at each crossing as part of the overall utility plan.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.71**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.72**

(Utility Plans) Provide separation dimensions for utilities both horizontal and vertical to meet 10 state standards and County DHS standards.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.72**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.73***

(Utility Plans) Provide thrust blocks at bends and size them appropriately with calculations.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.73***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.74***

(Utility Plans) Include bollards for gas meters / show compliance. It appears that the POE for gas is through the sidewalk.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.74***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.75***

(Utility Plans) Show clear dimensions at the gas meter.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.75***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.76***

(Utility Plans) Demonstrate burial depth for water mains to prevent frost.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response EP.76***

Comment noted. The Applicant will comply as part of the Site Plan submission process.

***Comment EP.77***

(Utility Plans) Provide required notes from the utility companies.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.77**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.78**

(Utility Plans) Show sanitary profile with pipe sizing /capacity calculations.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.78**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.79**

(Utility Plans) Locate thrust blocks for the water mains and associated calculations / details.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.79**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.80**

(Utility Plans) Locate on-site hydrants and compliance with NYS Code.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.80**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.81**

(Lighting Plan) All utility and drainage layers shall be turned on for lighting plan to review conflicts.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.81**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.82**

Light pole footing detail shall be revised to reflect the proposed pole height.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.82**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.83**

The lighting schedule shall accurately reflect the proposed fixtures.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.83**

Comment noted. The Applicant will comply as part of the Site Plan submission process.

**Comment EP.84**

Light poles within the parking areas shall be protected with bollards.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response EP.84**

Area light poles located within paved parking areas will sit on a concrete pedestal to protect the light pole. Area light poles located in the grass areas will be protected by the concrete curbing.

## I Executive Summary

**Comment I.1**

Our records show that Rockland County Sewer District No. 1 ("The District") owns and maintains an 18-inch sanitary force main in an easement on Tax Lot 55.06-1-1, which is part of this application, in the Village of Montebello. The second to last sentence of the first paragraph of the DEIS Executive Summary explicitly states, "No buildings are proposed for the Montebello portion of the Project Site." Regardless, we wish to state the following for the record:

- a. No permanent structures shall be built within our easements. If any foundation work or other types of major excavation work is to be done near to the easement boundary, we must be notified. Shoring or other types of precautions may be needed to protect the sewer main. A District permit will be required. The property owner must pay these expenses.
- b. To prevent any damage from occurring to the force main, the District must be notified if any portion of the land within the easement is to be modified. This includes but is not limited to regrading and lowering or raising of manhole frames within the easement. Our office must approve any changes done within our easements, and any expenses must be borne by the property owner.
- c. Contractors must obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within our easements.

(Correspondence #2, Letter from Joseph LaFiandra, Engineer II, Rockland County Sewer District No. 1, dated 4/24/23)

**Response I.1**

Comments noted. As stated, no buildings are proposed for the Montebello portion of the Project Site at this time and no permanent structures are proposed to be built within the District's easements. If any foundation work or other types of major excavation work is to be done near the easement

boundary, the District will be notified and the property owner will obtain a District permit. This includes but is not limited to regrading and lowering or raising of manhole frames within the easement. Any expenses will be the responsibility of the property owner. The property owner will require contractors to obtain required insurance and sign a waiver to defend, indemnify, save and hold harmless both the County of Rockland and Rockland County Sewer District No. 1 from any claims arising from work performed within District easements on the subject property.

***Comment I.2***

The third paragraph on page 1.4 of the Executive Summary states, "All easements are shown on the Survey (see Figure I-3 which can also be found in Appendix A) and described in the Title Report (Appendix B)."

- a. The easement for the District's force main is not shown on the Survey or described in the Title Report.
- b. Attached please find an as-built drawing showing the force main in an easement on Old Mill Road (formerly Geigy Chemical Road).
- c. If the easement was not filed with the County Clerk, we require the property owner to grant the District a 20-foot-wide easement for the force main.

(Correspondence #2, Letter from Joseph LaFiandra, Engineer II, Rockland County Sewer District No. 1, dated 4/24/23)

***Response I.2***

Comment noted. The Applicant will incorporate these items into the Survey and record the Survey and easements with the County Clerk, and provide a copy of the Survey to the District. The additional survey will be prepared and the easement will be shown on the final site plan.

***Comment I.3***

The executive summary reports the potential impact of losing 534 trees that are 12 inches in diameter or more, and it would be 534 trees planted, which is wonderful. And I understand they will not be planting trees of equivalent size, that would be ridiculous, but I'm asking that the oak tulip tree forest be replanted with similar trees that are already found there: American beech, red maple, red oak, tulip oak, black oak, white oak. I get this from the draft DEIS that I read. And there are suitable plantings to recreate the red maple hardwood swamp and floodplain forest, similar trees. But what I'm asking is that the replacement trees not be ornamental cherry trees, pollard, pollard oak, you know, pear trees, but actually trees that will eventually provide shade; I'm looking for shade. I'm looking at climate change, and I know you are as well. I can see that from what you said, and that's wonderful. The Village will be losing mitigation from climate change by expanding the building environmental footprint, so this is important that as many acres of forest shade can be replaced over the long-term. I know it takes time for trees to grow.

(Village of Suffern Planning Board Public Hearing, Comment from Patricia Wooters, dated 4/26/23)

***Response I.3***

Comments noted. The Landscape Plan for the site has been modified to provide over 6,000 plantings, including 724 trees, varying in species and to provide more native species. See Appendix D of this FEIS for the revised Landscape Plan.

**Comment I.4**

Under the Hazardous Materials section of the Executive Summary, it is mentioned that there was a history of groundwater infiltration into the sewer main. More detail is to be provided as to the location of that main and if repairs were made. Subsequent text mentions that the existing sewer connection will be utilized. If there is still groundwater infiltration, the sewer service must be replaced.

(Correspondence #7, Letter from Elizabeth Mello, P.E, Senior Public Health Engineer, Rockland County Department of Planning, dated 5/4/23)

**Response I.4**

The Applicant is proposing the installation of a new force main and will not be utilizing the existing lines that served the previous development. Any deficiencies that arise during the review of the sanitary design and permitting will be addressed and approved by the Village and/or applicable permitting agency prior to any work being conducted.

**Comment I.5**

In the Executive Summary, Summary of Required Approvals table, the following approvals from this department are to be added:

- a. Mosquito Breeding Suppression Plan Review
- b. Backflow Prevention Device Approval
- c. Food Service Establishment (if a kitchen is proposed)

(Correspondence #7, Letter from Elizabeth Mello, P.E, Senior Public Health Engineer, Rockland County Department of Planning, dated 5/4/23)

**Response I.5**

Comments noted. A revised list of permits and approvals is provided in Chapter 1 of this FEIS. The list of permits and approvals includes a) Mosquito Breeding Suppression Plan Review and b) Backflow Prevention Device Approval from the Rockland County Department of Health. A kitchen is not proposed.

**Comment I.6**

The FEIS should disclose the current status of the purchase of Old Mill Road.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response I.6**

Since the Draft EIS was issued, the Applicant has finalized the purchase of the 4.749 acre Old Mill Road property from the NYS Thruway Authority. The property is located adjacent to and west of Hemion Road and adjacent and south of the mainline section of the NYS Thruway in the Villages of Montebello and Suffern. As owner of the property, the Applicant has control over access to Old Mill Road and maintenance responsibilities for same. There are no easements, restrictions and/or other conditions that would affect the Applicant's future development and use of Old Mill Road. There is no access to or from the NYS Thruway from Old Mill Road. The road will be added to the final site plan.

**Comment I.7**

Paragraph 3 should end with a list of easements, restrictions and/or other conditions that would affect the future development and use of the project site. If there are none this should be stated.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response I.7**

Based on the Survey and Title Report, easements, restrictions and/or other conditions that would affect the future development and use of the Project Site include the following: Permanent easement in and right-of-way granted over the private road that runs north-south along the western portion of the Subject Property. Permanent easement granted for right to use for purposes of ingress and egress for the private road (Section 55.37, Block 1, Lot 31). Generally, the easement is twelve (12) feet wide running from Lafayette Avenue to the culvert under the rail line. Various easements granted for right-of-way to Orange and Rockland Utilities, Inc. as depicted on the Survey.

The Subject Property is subject to restrictive provisions wherein residential uses of any kind are prohibited including, without limitation, single family dwellings, multi-family dwellings and mobile home dwellings and related facilities such as schools and other educational institutions and child care facilities of any kind. Use of the Project Site is restricted to uses which are commercial or industrial and under no circumstances residential. The restrictive provisions mentioned in the second to last paragraph runs with all three parcels (including the parcel owned and located in the Village of Montebello). The restriction is recorded as follows:

Recorded Instrument Number 2017-29310 states the following:

“Said Premises being designated as (i) Section 55.22, Block 1, Lot 1, (ii) Section 55.06, Block1, Lot,1, and (iii) Section 55.37, Block1, Lot 31.... Are conveyed subject to the following restrictive provisions as to the use of said premises: Residential uses of any kind or nature are prohibited on, over or under the premises conveyed herein including, without limitation, single family dwellings, multi-family dwellings and mobile home dwellings and related facilities such as schools and other educational institutions and child care facilities of any kind. For avoidance of doubt, any and all uses of the premises conveyed herein are restricted to uses which are commercial or industrial and under no circumstances residential. The forgoing prohibition and restriction shall run with the land. The foregoing restriction shall be enforceable solely and exclusively by Grantor (Novartis Corporation) or any of the parent, subsidiary or affiliates of Grantor or any of the respective successors or assigns of any of the foregoing.”

**Comment I.8**

Purpose and Need for the Project paragraph 1 states the applicant is proposing reuse of the site; expansion may be a more appropriate term as the applicant is expanding the overall disturbance footprint.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response I.8**

Comment noted.

**Comment I.9**

*Long-term impacts from habitat fragmentation are not expected to be significant*—We believe these impacts as well as others are expected and may be significant.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response I.9**

A portion of the Proposed Project has been sited within previously disturbed portions of the project site which minimizes impacts to some of the onsite natural resources including onsite wetlands and trees. Some habitat fragmentation will occur due to construction of Buildings 2 and 3. A more limited habitat corridor from the western edge of the property to the east will exist within the southern portion of the site.

**Comment I.10**

We believe there are short term impacts expected, impacts on specific species, as well as increased competition amongst the species. These are not discussed in detail.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response I.10**

The Proposed Project includes development that would permanently disturb approximately 61 acres of the Project Site. Of the approximately 61 acres to be impacted by the proposed project, approximately 44.6 acres (73%) are currently developed or disturbed. However, as the Proposed Project entails permanent disturbance to areas that are not currently developed or disturbed, some wildlife habitat will be lost and the potential for competition amongst species will occur. The wetland creation mitigation will provide new freshwater wetland values including, but not limited to, habitat, food and cover, and safe pathways for some wildlife. The Applicant will disturb 0.099 acres of wetland, 2.23 acres of pond. A proposed mitigation plan entails the creation of 110,213 square feet (2.53 acres) of new wetland habitat adjacent to Wetland A as well as 63,624 square feet (1.46 acres) of wetland enhancement, and 43,959 square feet (1.01 acres) of wetland adjacent area enhancement along basin slopes, and a 12,940 square foot (0.30 acres), 5-foot-wide buffering hedgerow planted with native species. The proposed mitigation will provide freshwater wetland values including wildlife food and habitat, groundwater recharge/discharge, flood flow alteration, production export, nutrient removal, storm control, and ecosystem cleansing. While the Proposed Project will result in permanent disturbance to onsite wildlife habitat, potential impacts will be partially offset by the proposed planting and mitigation measures, thereby mitigating and limiting some of the impacts associated with the loss of wildlife habitat.

Additionally, as noted on DEIS page III.B.25 under Threatened, Endangered, and Special Concern species, the proposed project will not significantly impact any threatened, endangered, or special concern species.

**Comment I.11**

What about the box turtles? They were found on the project site and there were recommendations to avoid certain areas. This is not discussed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response I.11**

Eastern box turtles (*Terrapene c. Carolina*), also known as Woodland Box Turtle, are a New York State species of special concern as per Section 182.2(i) of 6NYCRR Part 182. Box turtles are generally terrestrial, using a variety of dry and moist woodlands, but also may use marshy areas; sandy soil is typical of occupied habitats. On the project site, the core habitat for eastern box turtles is located approximately 300 feet west of the proposed development within Wetland A. Wetland A has varying topography that exhibits seasonal surface water pockets as well as an abundance of dry areas throughout the year providing ideal habitat for box turtles inclusive of exceptional vegetative cover and food sources. Wetland A is located within the area best left intact as recommended in a Phase II bog turtle survey that was conducted by Jason Tesauro. While the Proposed Project entails 3,136.2 square feet (0.07 acres) of disturbance to Wetland A, the areas to be disturbed are finger-like extremities extending east from the wetland proper and do not represent high value habitat for eastern box turtles. Avoidance of existing mature landscape features, including freshwater wetlands, to the maximum extent possible, has been integrated into the Proposed Project, as described in "Mitigation Measures", DEIS page III.B.26. Additionally, the proposed mitigation plan entails the creation of 110,213 square feet (2.53 acres) of new wetland habitat adjacent to Wetland A as well as 63,624 square feet (1.46 acres) of wetland enhancement, and 43,959 square feet (1.01 acres) of wetland adjacent area enhancement along basin slopes, and a 12,940 square foot (0.30 acres), 5-foot-wide buffering hedgerow planted with native species. The proposed mitigation plan expands the core wetland for box turtles and creates additional box turtle habitat, including additional interfaces between surface water and wetland fringe.

Mitigation efforts for the eastern box turtle are identified on DEIS page III.B.26 within the section titled Box Turtle (*Terrapene carolina*)- Species of Special Concern. The mitigation areas located between the proposed development and remaining wetlands will be planted with native species, as described in "Mitigation Measures". These mitigation areas will maintain a natural cover and provide desirable edge habitat for box turtles. Although open field habitat will be lost due to development, box turtles will have ample wetland and upland habitat to utilize throughout the remaining western, southern, and eastern portions of the project site where woodlands and transitional upland areas consisting of shrubs, flowering perennial plants, and grasses are being preserved as well as planted. In addition, during final site plan review, the Applicant shall install such devices as necessary to protect turtles from road kill, including but not limited to from the numerous driveway crossings that will impact the tributary which links the westerly and easterly portions of the project site. This will include review of the proposed crossings, ensuring the culverts are adequate for migration, and barriers to ensure turtles avoid parking and driveway areas.

The Proposed Project includes development that would permanently disturb approximately 58.7 acres of upland within the Suffern portion of the project site, of which approximately 23 acres currently provides potential habitat for eastern box turtles. The proposed wetland and upland mitigation detailed above along with 48.4 acres of undisturbed uplands ] within the Suffern portion of the project site, and 36.6 acres of undisturbed wetland and upland within the Montebello portion will serve to maintain substantial box turtle habitat throughout and limit potential impacts to the species, so long as additional measures are introduced, as required herein, to ensure safe passage through the southerly section of the site.

***Comment I.12***

Wasn't lead based paint (LBP) also found on the property? This should be included as a potential impact.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response I.12***

LBP was identified at the Property in the Main Building, Energy Center, and Sewage Pump House. All LBP was remediated prior to demolition of the facilities, which is now completed.

***Comment I.13***

Who is going to be ensuring the standard practices for redevelopment, removal, abatement, etc. will be followed? Is there a certain officer in charge of this?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response I.13***

The Mack Group oversaw the abatement of all hazardous materials prior to any demolition activities. The Mack Group also provided Certificates of Completion for abatement of all hazardous materials to the Village of Suffern Building Inspector.

***Comment I.14***

We believe there will be a substantial change to the noise on site as there are two additional buildings proposed. The traffic on site will not be the same as that of the single building, and the two additional buildings are located closer to residential uses than the initial building.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response I.14***

The Planning Board engaged Aurora Acoustical Consultants Inc. (AAC) to conduct a review of the Applicant's Evaluation of Site Sound Emissions. AAC's complete noise assessment review is included in this FEIS as Correspondence #11. Upon review of AAC's review, the Applicant has revised the Evaluation of Site Sound Emissions (see FEIS Appendix H). Refer to comment/response III.G.7 through comment/response III.G.20.

***Comment I.15***

Construction of the proposed action would be conducted in accordance with the Village of Suffern Code to minimize potential impact —this section repeatedly stated there would not be an impact?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response I.15***

Construction of the proposed action will be conducted in accordance with the Village of Suffern Code. Based on the analyses provided in the DEIS, the project, as proposed, will not result in any significant adverse impacts.

## II Project Description

### ***Comment II.1***

If proposed, a permit for the kitchen will need to be obtained from the Rockland County Department of Health.

(Correspondence #7, Letter from Elizabeth Mello, P.E, Senior Public Health Engineer, Rockland County Department of Planning, dated 5/4/23)

### ***Response II.1***

At this time a kitchen is not proposed. It is understood that, if proposed, a permit for the kitchen would need to be obtained from the Rockland County Department of Health.

### ***Comment II.2***

Application is to be made to the RCDOH for review of the stormwater management system for compliance with the County Mosquito Code

(Correspondence #7, Letter from Elizabeth Mello, P.E, Senior Public Health Engineer, Rockland County Department of Planning, dated 5/4/23)

### ***Response II.2***

Comment noted. Application will be made to the Rockland County Department of Health for review of the stormwater management system for compliance with the County Mosquito Code. That submission is not made until the stormwater design is finalized and approved by the Village Engineering Consultant. A Stream Control Act permit from the RCDA is also required. Submissions to RCDOH and RCDA take place during the resolution compliance phase of the project after the site plan receives conditional approval as the resolution is required to make those submissions. The requirement will be included as a note on the site plan for the Site Plan review process.

### ***Comment II.3***

The text indicates that the Proposed Project would be in compliance with the Schedule of Zoning Requirements (§266-Attachment 6) as shown in Table II-2 Schedule of Zoning Requirements-Planned Light Industrial (PLI) Zone Suffern. Table (p, II-4) indicates an allowable building height of 40 ft and a proposed building height of 46.16 ft. Based on this Table, a variance will be necessary for building height and should be reflected in the text and in Table II-2.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### ***Response II.3***

Section 266-21.1.A. of the Suffern Code permits buildings in excess of 40 feet with increased setbacks, which would be the case for the Proposed Project. The bulk table will be updated; a variance is not anticipated for building height.

**Comment II.4**

The building heights indicated in this Table are inconsistent with Table II-2 Schedule of Zoning Requirements (p II-4). Warehouse Building 1 has a proposed height of 50'7", and Buildings 2 and 3 are both 41'6". Additionally on page II.7 it is indicated that varying heights with a maximum height of approximately 46 feet (Warehouse building 1 would have a finished floor elevation to the top of the parapet wall elevation 50'7"). Please make sure all building height references are clear and consistent and applicable variances are appropriately identified.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

**Response II.4**

As noted in Response II.3, Section 266-21.1.A. of the Suffern Code permits buildings in excess of 40 feet with increased setbacks, which would be the case for the Proposed Project.

Building 1 height = 50'-7"

Building 2 height = 39'-2"

Building 3 height = 41'-6"

The bulk table will be updated to reflect the maximum building heights that are proposed.

**Comment II.5**

The DEIS indicates that the overall site plan has been designed, to the maximum extent practicable, to concentrate development on portions of the site that have already been disturbed and to minimize impacts to sensitive environmental features such as wetlands, steep slopes, and floodplains. It is recommended that the overall design be reevaluated to further minimize the environmental impacts, particularly to tree removal, habitat fragmentation, energy use and air quality.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

**Response II.5**

The proposed project meets the goals and objectives of the Applicant. Alternative designs would allow for the pond and tributary system connecting it to the west and east to be retained. The proposed project plan entails impacts to the onsite wetlands and waterbodies, and mitigation is proposed to compensate for these impacts. As noted in DEIS Chapter III.H, the Proposed Project would not result in significant adverse air quality impacts. As noted in DEIS Chapter III.J, the Applicant has incorporated energy saving measures into the design of the facility. Based on an email correspondence from USACE dated November 14, 2023 (see FEIS Appendix L), the current mitigation proposal is conceptually acceptable.

**Comment II.6**

The DEIS indicates that the applicant is committed to Net Zero for the Proposed Project but does not identify a strategy or path to achieve net zero. There is a general reference to the use of renewable energy and reducing greenhouse gas emissions, however, there is no mention of the use of renewables and achieving net zero for the proposed action.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

This projects presents an opportunity to advance the goals of the New York State Climate Leadership and Community Protection Act (CLCPA), through the inclusion of on-site renewable energy. The Climate Act, which was signed into law in 2019, set a goal of reducing greenhouse gas emissions by 85% from 1990 levels by 2050. This development will result in an increased demand for energy and will pull that energy from the grid. Warehouse buildings may be conducive to the installation and use of solar panels and the installation of solar walls. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered. Likewise, the building should be designed and constructed to maximize energy efficiency.

The Applicant proposes sustainable redevelopment of the site, implementing green technologies and energy efficiency throughout the design, development and site operation as detailed in this DEIS. We applaud the proposed installation of electric vehicle charging stations. We encourage the applicant to also use electric vehicles at the site to further the goal of achieving a net zero project.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

**Response II.6**

Comments noted. The DEIS estimated GHG emissions from the project following the guidance of NYSDEC. Direct emissions from the project, scope 1 emissions from HVAC and hot water systems, indirect, scope 2 emissions from purchased electricity and mobile source emissions from trips generated by the project were quantitatively estimated for the operations of the project. Additionally, avoided emissions, in the case that tenants use solar panels, were also quantified and compared with previously estimated total emissions from the project operations. GHG emissions under project operations were assessed against the Village GHG, Rockland County and NY State emissions and found to constitute a small percent of GHG emissions on this scale.

The project plans to use sustainable features to further reduce climate change impacts. The proposed warehouses would be designed to accommodate the load standards for solar capabilities on the roof. If the tenants install solar panels, it would offset direct and indirect GHG emissions from project operations, on the way to net zero. In addition to designing the warehouses to accommodate the load standards for solar capabilities on the roofs, the following GHG emission reduction measures will help the project achieve net zero:

- Use of building materials including reflective paint that would reduce the use of HVAC;
- Installation of electric vehicle charging stations: 15 charging stations altogether including 10 near Building 1, 3 near Building 2 and 2 near Building 3. Installation of electric charging stations will promote the use of electric cars by employees and by vehicles coming to the warehouses;
- The installation of highly reflective white Thermoplastic Polyolefin (TPO) roofing to minimize

- heat absorption and reduce cooling needs;
- Design and use of native and water-efficient landscaping;
- Efficient use of lighting, HVAC, hot water, waste disposal, etc. in the warehouses during operations:
  - Reduce the use of refrigerants in the HVAC systems;
  - Install motion sensors and high-efficiency LED lighting and climate control;
  - Use efficient directed exterior lighting;
  - Use water conserving fixtures that exceed building code requirements;
  - Incorporate glazing on windows to reflect heat;
  - Promote and facilitate recycling. Provide for storage and collecting recyclables in building design;
  - Apply for LEED certification. Leadership and Environmental Design (LEED) is a U.S. Green Building Council rating system that provides framework for healthy, efficient and sustainable buildings. LEED goal is to improve efficiency, lower carbon emissions, enhance resilience and support more equitable communities.
- Use sustainable practices during construction to reduce GHG emissions:
  - Use local construction materials as much as feasible to reduce transportation emissions. By using building materials that are extracted and/or manufactured within the region, delivery distances are reduced.
  - Use building materials with recycled content to best of our ability;
  - Dispose of construction waste locally;
  - Preserve undeveloped land.

***Comment II.7***

The project is proposing retaining walls up to 14'. Retaining walls shall be designed by a licensed New York State Professional Engineer and be in compliance with the NYS Fire Prevention and Building Code. Design plans shall be signed and sealed by the licensed NYS Professional Engineer.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

***Response II.7***

The site plan design, including the retaining walls, will be designed and signed and sealed by a licensed New York State Professional Engineer. The retaining walls will be designed in compliance with the NYS Fire Prevention and Building Code.

***Comment II.8***

Many of the graphics, charts and maps in the digital version of the DEIS are illegible making it difficult to conduct a complete review of the document.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

***Response II.8***

Comment noted. Where possible, high resolution graphics have been included in the digital version of the DEIS accessible through a link on the Village of Suffern's website. Hard copies of the DEIS and the technical appendices and plans were made available to involved and interested agencies upon request and are available at Suffern Village Hall and the Suffern Library.

**Comment II.9**

*The loss of wetland functions and values would be compensated for with mitigation...* We do not agree with this claim as wetlands are being removed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response II.9**

The proposed project entails 101,431 square feet (2.329 acres) of disturbance to regulated wetlands and waterbodies. As a result of the proposed disturbance to the pond, 2.23 acres of disturbance would occur. The remaining 0.099 acres of wetland and waterbody impacts are proposed within Wetland A, Wetland C, and the onsite tributaries.

Mitigation is proposed to offset the potential significant adverse environmental impacts to natural resources resulting from filling USACE regulated wetlands and waterbodies. Mitigation measures will be prepared and implemented in accordance with a USACE Standard Individual Permit.

Per recent discussions with USACE, impacts to the on-site pond will be mitigated with wetland creation at a 1:1 ratio. This is reflected in the Mitigation Plan which has been updated to include the creation of 110,213 square feet (2.53 acres) of wetland habitat, a portion of which has been designed to replicate the functions and values of the pond in addition to providing food, cover and habitat for wildlife species on site. Impacts to the pond are mitigated at a 1.7:1 ratio, greater than the requested 1:1 ratio. The remaining 0.099 acres of wetland and waterbody impacts will be mitigated at a 13.2:1 ratio with 1.31 acres of enhancement including 43,959 square feet (1.01 acres) of wetland adjacent area along enhanced basin slopes, and 12,940 square feet (0.30 acres) for a 5-foot-wide buffering hedgerow. Therefore, through compliance with USACE requirements and guidance from the District office, the proposed compensatory mitigation will offset to some degree the impacts associated with filling USACE regulated wetlands and waterbodies. As per a prior response, additional measures will be integrated into the site's design to provide a more robust habitat connection between the habitat to the west and east of the site through the southerly corridor and the design will implement measures to avoid road kill.

**Comment II.10**

The projected water demand is approximately 6,750 gallons per day, which in the Applicant's opinion... Is the numerical value less than or greater than the demand for the previous Novartis usage? This does not provide enough information to determine if an impact is present (This comment is also applicable to the sewage information provided after this section.)

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response II.10**

The projected water demand for the three (3) proposed warehouses will be significantly less than the former use of the property by the Novartis campus. The vast majority (over 90%) of the proposed building will be utilized for racking and storage of product within the building. Only a small portion of the proposed building will include office areas that house bathrooms and sinks. The Novartis

campus included significant areas for offices, labs, and manufacturing which require significantly more water demand than a small office component of a warehouse facility.

***Comment II.11***

Overall, the summary of proposed utilities compares to the Novartis usage without providing numbers for that usage. The Applicant should provide quantitative information for the previous data to support the numerous qualitative comments made regarding the usage, otherwise any conclusions made do not seem properly supported.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response II.11***

The applicant does not have the historical quantitative information from the former Novartis campus. However, the applicant has obtained copies of the Novartis Floor Plans which depict multiple floors of offices, labs and manufacturing areas. At the time of peak production, all of these areas will have significantly generated more sanitary sewer demand compared to a handful of bathrooms and sinks that will be associated with the proposed warehouse facilities.

The proposed utility usage and demand cannot be accurately quantified at this stage of the project, as the building designs have not been finalized. As the project progresses through the site plan and permitting phases, the Applicant will have an opportunity to quantify demand and coordinate with the respective utility companies/ regulatory agencies. The Applicant believes there is more than adequate utility capacity to serve the site, and will make any improvements necessary to facilitate the permitting and construction of the new buildings. The Applicant will not be using the warehouse for Cold Storage, or other warehouse/distribution use involving significant water usage.

***Comment II.12***

*Security gates would be setback sufficiently to ensure adequate space is available for queuing. What amount of queuing is expected? The applicant shows that 167 trips and 163 trips can be expected to come in for the AM PSH and go out for the PM PSH respectively.*

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response II.12***

The security gate is located where the existing southerly site driveway intersects the internal access aisle as noted on Sheet 22, Site Plan F, of the site plans. Adequate queueing space is provided on-site prior to the security gate. A maximum of 112 passenger vehicle trips are projected to utilize the southern site driveway which translate to approximately 1-2 vehicles per minute during the peak hour. This would translate to an expected queue of 2-4 vehicles during peak conditions. Approximately 2,000-feet of separation is provided between the security gate and Hemion Road which could accommodate approximately 80 cars in queue which is more than sufficient to accommodate the anticipated demand. During final site plan review, the circulation will be reviewed to ensure that truck and vehicle trips are handled appropriately, i.e., a separate access point may be appropriate for vehicles, so that they do not wait in queue with trucks.

## III.A Geology and Soils

### ***Comment III.A.1***

WeB, WeC, and WeD are identified as having moderate or severe erosion potential on page III.A.7. The explanation on this page does not seem to adequately show how the erosion potentials of those soils will be addressed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### ***Response III.A.1***

WeB, WeC, and WeD are referenced in the NRCS Web Soil Survey and have a higher erosion potential due to the existing topographic conditions (steeper slopes). The majority of this area is not to be disturbed as it is located within the Village of Montebello. The area to be disturbed within the Village of Suffern will be managed through various Erosion Control Techniques as well as Means & Methods for Construction to ensure proper drainage and stabilization. This will include Erosion Control Fencing, Tree Protection Fencing, Silt Fencing, and staging the disturbance in phases to ensure stormwater is controlled during construction.

### ***Comment III.A.2***

The applicant claims that no significant adverse environmental impacts to geology and soils are anticipated yet the project involves the disturbance of over 60 acres. There are going to be impacts, as discussed earlier in this same chapter. The applicant has put in place numerous mitigation measures to try to limit the impacts, but to say there are "none" is inaccurate.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### ***Response III.A.2***

Comment noted. As proposed, the project will result in no significant adverse impacts. The Proposed Project has been sited within previously maintained and disturbed portions of the project site to the maximum extent feasible to minimize impacts to the onsite natural resources. Of the approximately 61 acres to be impacted by the proposed project, approximately 44.6 acres (73%) are currently developed or disturbed.

## III.B Ecology and Natural Resources

### *Comment III.B.1*

The DEIS recognizes that the Proposed Project may affect the northern long-eared bat. This department supports the recommendation of the NYSDEC tree cutting guidance for protection of the northern long eared bat. While a voluntary recommendation from NYSDEC, the project should also leave snags and cavity trees standing as recommended by the NYSDEC. Additionally, if bats are observed flying from a tree that has been cut, tree cutting activities should cease immediately and the regional DEC office should be contacted.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### *Response III.B.1*

Prior to any tree clearing onsite, snags and cavity trees would be identified and flagged within the proposed development envelope. All tree clearing activities will be monitored for the presence of flying bats. If bats are observed flying from a tree that has been cut, the cutting activity for that tree will stop immediately and the regional NYSDEC office will be contacted. As the number of snags and cavity trees is expected to be minimal, cutting of these trees will only require one to two days to complete. When the snags and cavity trees are removed, the Applicant will commit to removing these trees in the presence of a professional bat consultant. Prior to any tree clearing onsite, snags and cavity trees would be identified and flagged within the proposed development envelope. All tree clearing activities will be monitored for the presence of flying bats. If bats are observed flying from a tree that has been cut, the cutting activity for that tree will stop immediately and the regional NYSDEC office will be contacted. As the number of snags and cavity trees is expected to be minimal, cutting of these trees will only require one to two days to complete. When the snags and cavity trees are removed, the Applicant will commit to removing these trees in the presence of a professional bat consultant.

It is noted that minimal tree clearing of the ornamental trees surrounding the Novartis buildings has already occurred as part of the demolition process. Demolition, which was not subject to SEQR, has occurred in consultation with the Suffern Building Department. These ornamental trees are Conifers, which are not used by northern long-eared bats.

### *Comment III.B.2*

The eastern box turtle was identified on-site within the western portion of Wetland A. The DEIS should address that habitat fragmentation is also a major threat and preventing fragmentation is an important management tool for protecting this Species of Special Concern. There are no mitigation efforts identified in the DEIS to protect the eastern box turtle. While State law does not provide specific protections for the box turtle, the applicant should make all efforts to develop and implement mitigation strategies to minimize adverse effects of habitat fragmentation to not

negatively impact the habitat necessary for the box turtle. The DEIS indicates herbicides may be used to control very aggressive invasive vegetation (p.III.B.20). Such use of herbicides should be carefully considered so as not to potentially harm the box turtle.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### **Response III.B.2**

Core habitat for eastern box turtles is located approximately 300 feet west of the proposed development within Wetland A. Wetland A has varying topography that exhibits seasonal surface water pockets as well as an abundance of dry areas throughout the year providing ideal habitat for box turtles inclusive of exceptional vegetative cover and food sources.

The Applicant will disturb 0.099 acres of wetland and 2.23 acres of pond.. A proposed mitigation plan entails the creation of 110,213 square feet (2.53 acres) of new wetland habitat adjacent to Wetland A as well as 63,624 square feet (1.46 acres) of wetland enhancement, and 43,959 square feet (1.01 acres) of wetland adjacent area enhancement along basin slopes, and a 12,940 square foot (0.30 acres), 5-foot-wide buffering hedgerow planted with native species. The proposed mitigation plan expands primarily core wetland habitat for box turtles. and creates additional box turtle habitat, including additional interfaces between surface water and wetland fringe.

Mitigation efforts for the eastern box turtle are identified on DEIS page III.B.26 within the section titled Box Turtle (*Terrapene carolina*)- Species of Special Concern. The Proposed Project includes development that would permanently disturb approximately 58.7 acres of upland, of which approximately 23 acres currently provides potential habitat for eastern box turtles.

The mitigation areas located between the proposed development and remaining wetlands will be planted with native species, as described in "Mitigation Measures". These mitigation areas will maintain a natural cover and provide desirable edge habitat for box turtles. Some open field habitat will be lost due to development.

Additionally, per DEIS page III.B.24, Fertilizer, Pesticide, Herbicide, and Fungicide Use, it is not anticipated that the Applicant will need to regularly control invasives; however, as part of adaptive management, the Applicant will consult with any regulatory agencies necessary before controlling invasives with fertilizers, pesticides, herbicides, or fungicides. Areas approved for herbicide use will be carefully considered so as not to potentially harm the box turtle. In addition, a preliminary walkthrough of all areas receiving herbicide application will be conducted to ensure no turtles are present.

### **Comment III.B.3**

The Proposed Project will result in the removal of 534 trees exceeding 12 inches in diameter at a height of four meet measured from the ground which will require a Village of Suffern tree removal permit (Chapter 251, Tree Removal, of the Suffern Village Code).

The Proposed Project will result in a loss of 16.29 acres of oak-tulip tree forest, 17.76 acres of successional old field, the filling and loss of 2.23 acres of wetlands, and the removal of 534 trees. Based on the magnitude of these site alterations, it is unclear how it is concluded in the DEIS, that the long-term impacts from habitat fragmentation as a result of the construction and operation of this project are not expected to be significant. It is also stated on page III.B.19, that "The loss of the on-site forested and unforested uplands would minimally alter the movement of wildlife that may use

the Project Site to access the adjacent forested and wetland areas.” Additionally, the DEIS indicates that “successional old field habitats are of marginal value to wildlife.” Such habitats can often support diverse vegetation with a variety of plant species and may provide habitat for grassland birds, rare birds, plants, invertebrates, butterflies, and the timber rattlesnake.

The impacts of the removal of 534 mature trees should be more carefully evaluated, including the carbon storage and greenhouse gas impacts of removing so many trees. Efforts should be made to increase the number of trees to be retained. While the proposed plan is to have a one-to-one replacement of trees and to plant 534 trees, replacing mature trees with small saplings has significant environmental impacts and does not provide for the same diversity for foraging, nesting, and shelter for wildlife. It will take many years for the trees that are planted to mature and would significantly change the biodiversity of the area including the roosting and nesting opportunities for birds.

Proactive planting that avoids or minimizes impacts to the habitat of important areas and maintains habitat connections for wildlife movement will contribute to the long-term biodiversity of the region. The Planning Board must consider the impacts of this development, particularly the impacts of the loss of trees, loss of tree species, the increase of impervious surface and the loss of wetland areas, on the biodiversity of the area, specifically habitat fragmentation and the impact of the movement of species to and from and within these sensitive habitats.

It is recommended that the applicant review “An Approach for Conserving Biodiversity in the Hudson River Estuary Corridor” that identifies voluntary, non-regulatory strategies for conserving wildlife and habitat in the region. A pdf can be found at: <https://hudson.dnr.cals.cornell.edu/library>

There are a number of references to removal of invasive species. It is recommended that an invasive Special Removal Plan be created and submitted for review.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### ***Response III.B.3***

The Proposed Project will result in the loss of 6.79 acres of successional old field. The Proposed Project has been sited within previously disturbed portions of the project site to the maximum extent feasible to minimize impacts to the onsite natural resources. The Proposed Project will not disturb 80.24 acres of oak-tulip tree forest, 1.84 acres of successional old field, and has minimized impacts to onsite wetlands and trees to the maximum extent practicable. Within the Suffern portion of the project site, approximately 46.33 acres of oak-tulip tree forest and 0.42 acres of successional old field will be preserved. The areas to not be disturbed within the Suffern and Montebello properties will be maintained in their natural condition. Some habitat fragmentation will occur due to construction of Building 2; however habitat corridors from the western edge of the property to the east will continue to exist within the southern portion of the site. The preserved tributaries and associated wetlands will also continue to provide additional habitat as well as safe pathways for movement throughout the site. Additionally, per DEIS page III.B.24 under section Tree Removal, significant screening vegetation would remain after construction, especially at critical buffering locations, such as the site's property lines along the western, southern, and eastern boundaries of the Subject Property. These areas would continue to provide resident and local wildlife populations the opportunity to move around the development to access other undisturbed wetland and forest lands in the vicinity of the Proposed Project. Per DEIS Page III.B.25, successional old field habitats are of marginal value to wildlife as they are historically disturbed areas of low plant diversity. While impacts to this ecological community are proposed, high value wildlife habitat is located within the oak-tulip tree forest, red maple hardwood swamp, floodplain forest, shallow emergent marsh, and marsh headwater stream habitats. These communities have high plant diversity and are not to be significantly impacted by the Proposed

## Project.

The Proposed Project will remove approximately 534 trees primarily located within the 16.29 acre oak-tulip tree forest within the western portion of the site. The Proposed Project will preserve 46.3 acres of oak-tulip tree forest within the Suffern portion of the project site. The Proposed Project will not disturb an additional 33.9 acres of the oak-tulip tree forest within the Montebello portion of the project site. In addition to the undisturbed and undeveloped oak-tulip tree forest within the Suffern and Montebello portions of the project site, the adjacent properties to the east and west contain an additional 42.6 acres of oak-tulip tree forest. Therefore, the contiguous oak-tulip tree habitat to be undisturbed and to remain undeveloped adjacent to the property totals approximately 122.58 acres. As such, within the localized oak-tulip tree forest complex on and adjacent to the Project Site, the proposed impacts result in a 13% decrease in the contiguous, undeveloped oak-tulip tree forest. While the project will result in impacts to portions of the existing forested areas, impacts associated with tree removal will be mitigated by the proposed Landscape Plan. The proposed Landscape Plan entails planting 724 trees. While the trees will be planted as saplings, the temporary change in tree maturity will impact a small portion of the intact forested habitat to remain on and adjacent to the Project Site. The proposed saplings and onsite and adjacent forested habitats will continue to provide foraging, nesting, and roosting habitat, as well as shelter for wildlife. These areas will also maintain habitat connections for safe pathways for movement throughout the site. Additionally, per DEIS page III.B.24 under section Tree Removal, screening vegetation would remain after construction, especially at critical buffering locations, such as the site's property lines along the western, southern, and eastern boundaries of the Subject Property. This area would continue to provide resident and local wildlife populations some opportunity to move around the development to access other undisturbed wetland and forest lands in the vicinity of the Proposed Project.

The Proposed project will result in the increase of impervious surfaces and therefore an increase in the volume of stormwater runoff from the project site. However, as noted on DES page III.C.23 under the Water Quality section, the proposed infiltration and detention facilities will maintain current flow rates and hydrological inputs to wetlands and tributaries, therefore maintaining its current hydrology and functionality. Further, outlet control structures will ensure that stormwater is released at a rate that does not significantly impact the tributary or its associated wetland. Therefore, the increase in impervious surfaces will not significantly impact the onsite tributaries and associated wetlands. These tributaries and wetlands will also continue to provide additional habitat as well as safe pathways for movement throughout the site.

The Proposed Project will result in impacts to the onsite wetlands. However, as noted on DEIS page III.C.26, under the Stormwater Pond section, the loss of wetland functions and values will be partially compensated for with mitigation through the implementation of stormwater management practices and other vegetated areas. The mitigated areas will be planted with a variety of native vegetation providing nutrient removal, sediment retention, and wildlife habitat for various types and populations of animals typically associated with wetlands and the wetland edge. The preserved wetlands, stormwater management practices, and vegetated areas will continue to provide additional habitat as well as safe pathways for movement throughout the site.

Comment noted regarding "An Approach for Conserving Biodiversity in the Hudson River Estuary Corridor."

An Invasive Species Removal Plan is not proposed with the Proposed Project. However, in order to ensure the survival of the designed mitigation scheme, a maintenance program has been incorporated into the mitigation plan as part of the USACE Standard Individual Permit. As part of the maintenance program, potential invasive species will be monitored and removed as necessary to ensure the survival

of the mitigation plantings. The maintenance program states, "Invasive species Identification and Eradication: As part of the maintenance plan, any invasive plant species identified within the mitigation area will be targeted for removal using physical and if necessary, approved herbicidal management. Consultation and subsequent approval from USACE personnel will take place prior to the initiation of any herbicidal controls that may be required to control the spread of any invasive species."

***Comment III.B.4***

In addition to the sustainability practices identified in this DEIS, the applicant is encouraged to investigate and employ the use of sustainable landscape management practices and use fertilizers and pesticides only as a last resort. There are considerable number of resources to consider in development of a sustainable landscape management plan <https://ogs.ny.gov/greeny/sustainable-landscaping>.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

***Response III.B.4***

Fertilizers and pesticides will be used as a last resort. Before the use of fertilizers, pesticides, herbicides, and fungicides, any identified invasive species will first be targeted for physical removal. Should physical removal not suffice, and the use of fertilizers, pesticides, herbicides, or fungicides be required, the Applicant will consult the appropriate regulating authority. The Applicant shall minimize use of chemical controls to the maximum extent practicable.

Sustainable landscape management practices to be implemented as part of the mitigation plan include utilization of plants that are non-invasive, low or no maintenance, and preferably native, eradication of existing invasives and preventing their establishment, enhancement and creation of wildlife corridors and habitat connectivity. Applicable maintenance notes will be added to the final site plan and made a condition of the approval.

***Comment III.B.5***

There are a number of references in the DEIS to the use of native plantings; however, there are a number of non-native plantings proposed.

Of the 534 trees proposed for replanting at the site, 395 are not native.

In the DEIS it is proposed to use *Festuca rubra* (Red Fescue) in the infiltration basins as part of the Stormwater Management Plan and as part of the wetlands mitigation (III.C.23). While native in the United States, the New York Flora Atlas lists *Festuca rubra* as not native in New York and the Invasive Plant Atlas of the United States has *Festuca rubra* as invasive.

It is recommended that all wetlands mitigation efforts use only native plantings including only native grasses.

This department recommends that the applicant shall use trees and plants that are native to New York for the site landscaping. Native plants are better adapted to the local climate and soils and are therefore easier to care for. This results in the need for less fertilizer, pesticides, and use of water. This helps to prevent erosion and increased runoff into local waterbodies. Native plants also help to preserve and promote biodiversity. A pdf titled "Native Plants for Gardening and Landscaping Fact Sheets" that lists native species and the environments in which they can grow can be found on the New York State Department of Environmental Conservation's website.

It is also recommended that assurances be provided that plantings survive and be replaced if they do not.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

***Response III.B.5***

There are no non-native trees proposed with the Landscape Plan.

The adjoining habitat on the adjacent properties is not considered mitigation. As defined in "An Approach for Conserving Biodiversity in the Hudson River Estuary Corridor", the ultimate purpose of biodiversity conservation is to conserve the entire complement of species, habitats, and processes so that ecological function can be sustained. While the proposed project entails disturbances to forested habitats and wildlife, the proposed mitigation plan ensures that the ecological function of the project site, prior to the proposed development, will be sustained through the conservation of substantial natural vegetative communities and associated wildlife corridors as well as creation of new wetlands and wetland adjacent areas.

The Applicant will install plantings in accordance with NYCDEC and USACE requirements. Please refer to Response III.B.21 for measures to ensure the survival of the designed mitigation scheme.

***Comment III.B.6***

In general, the landscaping plan does not demonstrate that any habitat or ecological communities are being replaced or replicated on site. While Tulip poplars are proposed as shade trees, the proposed oak species is not native. Plantings are generally linear and do not represent usable habitat area.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.B.6***

The Landscape Plan has been modified to provide more native species. See FEIS Appendix D for the revised Landscape Plan. The final landscaping plan will be reviewed and revised, as necessary, prior to site plan approval, to ensure the landscaping reflects current native species in order to mitigate impacts from the removal of forested woodland.

**Comment III.B.7**

The applicant supplied information of the communities present onsite but did not include the common wildlife present in those communities. Are any of these communities usually home to the various wildlife that are of concern in the area? (III.B.4-III.B.10)

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.7**

All wildlife identified onsite during the four-season natural resource inventory (NRI) is provided in DEIS table III.B-2, Observed Wildlife Species. Observation points for the NRI were designed to observe common wildlife and threatened, endangered and species of special concern within all ecological communities identified onsite. As noted on DEIS page III.B.17 under the Threatened, Endangered and Species of Special Concern section, various agencies were contacted to identify the presence of rare, threatened and/or endangered species that may be present within or adjacent to the Study Area. Threatened, endangered, and species of special concern with the potential to occur within the project site include the northern long-eared bat, bog turtle, monarch butterfly, timber rattlesnake, and box turtle. The oak-tulip tree forest, red maple-hardwood swamp, floodplain forest, and urban structure exterior ecological communities contain potential habitat for northern long-eared bats (NLEB), however, as noted on DEIS page III.B.25, NY NHP and NYSDEC Region 3 staff indicated that the Study Area is not within screening distance of any known (to NYSDEC) records of NLEB. The shallow emergent marsh ecological community was identified as potential habitat for bog turtles, however, as noted on DEIS page III.B.26, no bog turtles or signs of their presence were documented at the project site during NRI and Phase II surveys. Monarch butterflies were observed within the successional old field ecological community. While impacts to the successional old field ecological community are proposed with the project, as noted on DEIS page III.B.31, common milkweed, a host plant for the monarch butterfly, has been integrated into the Proposed Project. The oak-tulip tree forest ecological community contain potential habitat for timber rattlesnakes, however, as noted on DEIS page III.B.20, NYSDEC Region 3 staff noted that while the Study Area is within screening distance of known occurrences of timber rattlesnakes, the site is separated from NYSDEC known records of the species' occurrence by barriers to snake dispersal. The floodplain forest and successional old field ecological communities contain potential habitat for box turtles, however, as noted on DEIS page III.B.26, although some open field habitat will be lost due to development, box turtles will have ample wetland and upland habitat to utilize throughout the remaining eastern portion of the project site where woodlands and transitional upland areas consisting of shrubs, flowering perennial plants, and grasses are being preserved as well as planted.

**Comment III.B.8**

The applicant states that any of the species of site will be relocated before construction, but then says increased competition is not expected. We do not agree with this conclusion, as there is not enough evidence to support it. The applicant should provide estimates for the number of animals that will need to be moved or indicate there will be an overall decline in the habitat diversity and number of species. This is also mentioned on page III.B.26.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.8**

As noted in the DEIS on page III.B.14, prior to site construction and to the extent practicable, reptiles and amphibians utilizing the existing on-site pond will be relocated to the adjacent wetlands to the east. Based on NRI observations, the number of turtles to be relocated is estimated to be approximately 20 individuals. Amphibian species in and around the pond were found in low numbers and likely comprise a variable degree of general occurrence not likely exceeding twenty or so individuals at any one time. Only reptile and amphibian species are proposed for relocation as the remainder of species observed utilizing the project site will relocate to undisturbed areas of the site without assistance.

Reptile and amphibian species will be relocated to the extent practicable such that the safety of the individual relocating the species is not at risk. A qualified biologist will perform continuous trapping and releasing prior to and during preparation for construction activities in and around the pond.

Relocation of these species will ensure the continued existence of the onsite amphibian and reptile populations. Relocating these turtles to Wetland A, which is 12.13 acres in size, provides optimal habitat for relocated species. In addition, there are 2.93 acres of onsite wetlands and watercourses also with optimal habitat directly connected to Wetland A that will continue to allow for movement and dispersal of turtle species. Preserved habitat within the western, eastern, and southern portion of the property will provide habitat for potentially relocated wildlife species. The preserved tributaries and associated wetlands will also continue to provide additional habitat as well as safe pathways for movement throughout the site – these pathways will be reviewed and enhanced prior to site plan approval. Additionally, per DEIS page III.B.24 - Tree Removal, significant screening vegetation would remain after construction, especially at critical buffering locations along the western and to a lesser extent, the southern and eastern boundaries of the Subject Property. These areas would continue to provide some habitat for resident and local wildlife populations.

Turtles will disperse to the wetland and upland areas throughout the Project Site, likely favoring Wetlands A and C along with the associated tributaries and the surrounding upland. Turtles can utilize wildlife corridors inclusive of connected wetlands and streams located within the southern portion of the project site to access the remaining onsite wetland and upland areas. The design of turtle crossings, to ensure the connection between Wetland A and C are maintained, will be designed prior to final site plan approval.

**Comment III.B.9**

*"The loss of the on-site forested and unforested uplands would minimally alter the movement of wildlife that may use the Project Site to access the adjacent forested wetland areas."* The project will reduce the oak-tulip forest area by 16.29 acres. There are 96.53 acres of the oak tulip forest in total on the site which equates to roughly a 17% decrease of this habitat. This should not be characterized as minimal. Where the forest is disturbed is as important as the amount of disturbance that occurs. The FEIS should address what wildlife corridors are retained.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.9**

Approximately 16.29 acres of oak-tulip tree forest, 26 percent of the oak-tulip tree forest within the Suffern portion of the project site, will be impacted with the Proposed Project. However, the proposed project will not disturb 46.3 acres of oak-tulip tree forest within the Suffern portion of the project site. In addition to the undisturbed oak-tulip tree forest onsite, the proposed project will not disturb an additional 33.9 acres of the oak-tulip tree forest within the Montebello portion of the project site at this time, although there are no restrictions being provide on the Montebello portion. In addition to the undisturbed and undeveloped oak-tulip tree forest within the Suffern and Montebello portions of the project site, the adjacent properties contain an additional 42.6 acres of oak-tulip tree forest. Therefore, the contiguous oak-tulip tree habitat to be preserved on and adjacent to the property totals approximately 122.58 acres. As such, within the localized oak-tulip tree forest complex onsite and remain adjacent to the Project Site, the proposed impacts result in a 13% decrease in the contiguous oak-tulip tree forest. While the project proposes impacts to a portion of the oak-tulip tree community, impacts associated with tree removal will be mitigated for by the proposed Landscape Plan. The proposed Landscape Plan entails planting 724 trees. While the trees will be planted as saplings, the temporary change in tree maturity will impact a small portion of the intact forested habitat to remain on and adjacent to the Project Site. As the impact of planting shrubs is temporary, 46.3 acres of oak-tulip tree forest will be undeveloped with the Suffern portion of the project site, and an additional 33.9 acres of oak-tulip tree forest will remain undisturbed with the Montebello portion of the project site, the proposed Landscape Plan will not result in significant environmental impacts. The proposed saplings and onsite and adjacent forested habitats will continue to provide foraging, nesting, and roosting habitat, as well as shelter for wildlife. Therefore, based on the proposed disturbance and associated mitigation, the proposed project will not result in a significant adverse impact to the oak-tulip tree forest.

**Comment III.B.10**

*"No significant adverse environmental impacts to wildlife are anticipated."* Approximately 38.21 acres will now be developed that were previously habitat. This is significant.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.10**

Of the approximately 61 acres to impacted by the proposed project, approximately 44.6 acres (73%) are currently developed or disturbed.

The Proposed Project will result in further onsite habitat fragmentation and the potential to further limit wildlife habitat and movement. Currently, the onsite buildings and associated parking are centrally located within the Project Site and bisect the forested habitat located within the eastern and western portions of the site. As such, the existing structures fragment the onsite forested habitat, potentially impacting wildlife by limiting wildlife movement. With the Proposed Project, construction of Building 2 will result in further onsite habitat fragmentation and the potential to further limit wildlife habitat and movement; however, although construction of Building 2 entails some removal of habitat associated with the oak-tulip tree and successional old field ecological communities within the southeastern portion of the Project Site, a corridor for wildlife passage will continue to be available from Wetland A to Wetland C via Tributary 1 and along the southern edge of the property. This will be finally reviewed and designed prior to site plan approval.

While the Proposed Project will result in further habitat fragmentation of the Project Site, potential impacts associated with habitat fragmentation will be partially offset by the proposed planting and mitigation schemes inclusive of new habitat and preservation of existing forest canopy, thereby mitigating and limiting potential impacts associated with habitat fragmentation.

**Comment III.B.11**

The applicant identifies several "habitats on the site [that] are of high value to wildlife, as they are a more diverse plant community and as such, are not to be significantly impacted by the proposed project." How do the reductions shown on III.B.22 support this conclusion? Oak-tulip tree forest will be reduced by 16.29 acres.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.11**

High value habitats onsite include the oak-tulip tree forest, red maple-hardwood swamp, floodplain forest, shallow emergent marsh, marsh headwater stream, perennial stream, and intermittent stream. Of these high value habitats, the shallow emergent marsh, marsh headwater stream, and perennials stream are to be wholly preserved with the proposed project. Of the high value habitats to be disturbed, the red maple-hardwood swamp (0.01 acres of disturbance), the floodplain forest (0.07 acres of disturbance), and intermittent stream (0.01 acres of disturbance) are to be minimally disturbed, as noted on DEIS pages III.B.21-22. The proposed project entails 16.29 acres of disturbance to the oak-tulip tree forest, out of 62.6 acres on the Suffern portion of the project site. Therefore, while the project proposes some minimal disturbances to high value habitats, the majority of onsite high value habitat will be preserved with the proposed project. Also see Response III.B.10.

**Comment III.B.12**

The applicant asserts that "*no impacts to the monarch butterfly are anticipated with the Proposed Project*" but identifies the successional old field habitat as having Monarch Butterflies. This habitat is being reduced by 6.79 acres. The applicant states that common milkweed has been integrated into the Proposed project but does the amount that it is integrated account for the acres of natural habitat being reduced? How much is being planted, and to what extent will it support the population?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.12**

Based on field walks conducted during the four season NRI, Milkweed, at best, makes up approximately 5% or less of the successional old field habitat (0.30 acres). Approximately 0.5 pounds of milkweed seed will be spread per thousand square feet, resulting in 7.33 pounds of milkweed seed being spread across 43,959 square feet (1.01 acres), as noted on the Mitigation Plan. As noted on page III.B.31, chemicals from the milkweed plant make the monarch caterpillar's flesh distasteful to most predators. Monarch butterflies are specific to milkweed plants; this is the only type of plant on which the eggs are laid, and the larvae will feed and mature into a chrysalis. Therefore, as milkweed is

the only type of plant on which the eggs are laid, the proposed plantings will support the monarch butterfly population. Additionally, the milkweed is proposed to be planted at a higher density than currently exists onsite, as observed during the four season NRI. Therefore, the reduction of the successional old field ecological community will be compensated by the proposed mitigation scheme.

**Comment III.B.13**

*"...box turtles will have ample wetland and upland habitat to utilize throughout the remaining western southern and eastern portions of the project site..."* We do not believe that the applicant has provided sufficient data to support the conclusion that the box turtles will have ample habitat and will not be significantly impacted. Construction is occurring right up to the wetland on the eastern side of it. The turtles do not selectively use side versus the other side of the wetland – where they travel to uplands depends on where their habitat is within the overall wetland. How far is the core habitat from the improvements, and what measures will be put in place to avoid increased mortality from traffic.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.13**

The Proposed Project includes development that would permanently disturb approximately 58.7 acres of upland, of which approximately 23 acres currently provides potential habitat for eastern box turtle. The proposed wetland and upland mitigation detailed below along with 48.4 acres of undisturbed uplands on the Suffern portion of the project site and 36.6 acres of uplands and wetlands to remain undeveloped on the Montebello portions of the project site, and the remaining uplands adjacent to the Project site will serve to maintain substantial box turtle habitat throughout the project site and limit potential impacts to the species.

Eastern box turtles are versatile animals and inhabit a wide variety of habitats from wooded swamps to dry, upland, grassy fields. Box turtles are generally terrestrial, using a variety of dry and moist woodlands, but also may use marshy areas; sandy soil is typical of occupied habitats. The core habitat for eastern box turtles is located approximately 300 feet west of the proposed development within Wetland A. Wetland A has varying topography that exhibits seasonal surface water pockets as well as an abundance of dry areas throughout the year providing ideal habitat for box turtles inclusive of exceptional vegetative cover and food sources. Limited disturbances to Wetland A will occur as a result of the proposed project (Wetland A = 528,545 square feet (12.13 acres), total disturbance = 3,136.2 square feet (0.07 acres)). The portions of Wetland A to be disturbed are not high value habitat for box turtles. The eastern portions of Wetland A are finger-like extremities extending east from the wetland proper towards the existing development. This portion of Wetland A is primarily stormwater fed and exhibits extended dry periods during summer months and is not high value habitat for eastern box turtles. Avoidance of existing mature landscape features, including freshwater wetlands, to the maximum extent possible, has been integrated into the Proposed Project, as described in "Mitigation Measures", DEIS page III.B.26. The proposed mitigation plan entails the creation of 110,213 square feet (2.53 acres) of new wetland habitat adjacent to Wetland A as well as 63,624 square feet (1.46 acres) of wetland enhancement, and 43,959 square feet (1.01 acres) of wetland adjacent area enhancement along basin slopes, and a 12,940 square foot (0.30 acres), 5-foot-wide buffering hedgerow planted with native species. The proposed mitigation plan expands the core wetland and upland habitat for box turtles and creates additional box turtle habitat, including additional interfaces between surface water and dry upland.

Mitigation efforts for the eastern box turtle are identified on DEIS page III.B.26 within the section titled Box Turtle (*Terrapene carolina*)- Species of Special Concern. The mitigation areas planted with native species between the proposed development and remaining wetlands will be planted with native species has been integrated into the Proposed Project, as described in "Mitigation Measures". These mitigation areas will maintain a natural cover and provide desirable edge habitat for box turtles. Although some open field habitat will be lost due to development, box turtles will have some upland and wetland habitat to utilize throughout the remaining western, southern, and eastern portions of the project site where woodlands and transitional upland areas consisting of shrubs, flowering perennial plants, and grasses are being preserved as well as planted – much of the eastern portion of the site, however, is steep terrain, and is not suitable. Some of the preserved areas will provide habitat corridors for box turtles similar to those currently found onsite, reducing potential mortality from traffic. In addition, the preserved stream and wetland corridors are fitted with wide, oversized culverts designed to allow for wildlife passage, thus helping to reduce potential roadway crossings. This will receive final design review prior to site plan approval to maximize the corridor, and to minimize fatalities.

***Comment III.B.14***

During the public hearing, a comment was raised regarding the replacement of trees on the project site. The concern was to avoid planting ornamental trees but rather replace the trees with those common to the oak-tulip forested areas that are being reduced. For example, the applicant is proposed 64 white flowering dogwood trees as per the landscape schedule on Figure III.B-6: Overall Landscape Plan which are designated as Ornamental trees.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.B.14***

Trees proposed with the Landscape plan are commonly found within oak-tulip tree forests. While the flowering dogwood is indicated as an ornamental tree, flowering dogwoods are native to New York State and were observed throughout the Project Site.

***Comment III.B.15***

Please address the amphibian/turtle population in the pond, which was determined to be a jurisdictional wetland. What impacts will occur to it and what mitigations are proposed? Please be more specific as to the species population present in the pond.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.B.15***

The onsite pond is a jurisdictional pond and has been referenced as such in the DEIS. The pond is man-made and was originally modified in the middle of a series of farmed fields as a farm pond for irrigation dating back to at least 1943 per topographic and aerial imagery. Although a historic culvert exists between intermittent Tributary 3 and the pond, there is currently no observed flow or evidence thereof from Tributary 3 to the pond. During site visits with the USACE and subsequent four season NRI, it was determined that the connection was likely historic in nature but has been disconnected for an extended period of time as the inlet is sited along the top of bank of Tributary 3, many feet above the ordinary high water mark.

Amphibian and reptile species observed within and adjacent to the pond include the common snapping turtle (*Chelydra serpentina*), painted turtle (*Chrysemys picta*), northern water snake (*Nerodia sipedon*), and green frog (*Rana clamitans*). As noted on DEIS page III.B.14, prior to site construction and to the extent practicable, reptiles and amphibians utilizing the existing pond will be relocated to the adjacent wetlands to the east.

As the Proposed Project entails permanent disturbance to areas that are not currently developed or disturbed, some wildlife habitat will be lost and the potential for competition amongst species will occur. Impacts to wildlife, including potential increased competition, will be partially addressed through the proposed mitigation scheme. Relocation of these species will ensure the continued existence of some of the onsite amphibian and reptile populations.

The Proposed Project includes development that would permanently disturb approximately 61 acres of the Project Site of which 44.6 acres (73%) are currently developed or disturbed. However, as the Proposed Project entails permanent disturbance to areas that are not currently developed or disturbed, some wildlife habitat will be lost and the potential for competition amongst species will occur. Impacts to wetland species, including potential increased competition, will be addressed to some extent through the proposed mitigation scheme. The wetland creation mitigation will provide new freshwater wetland values including, but not limited to, habitat, food and cover, and safe pathways for wildlife. Further, the Applicant proposes 63,624 square feet (1.46 acres) of wetland enhancement. Additionally, to offset the remaining wetland impacts, the Applicant proposes 43,959 square feet (1.01 acres) of wetland adjacent area enhancement along basin slopes, and 12,940 square foot (0.30 acres) for a 5-foot-wide buffering hedgerow planted with native species. The proposed mitigation will provide improved freshwater wetland values including wildlife food and habitat, groundwater recharge/discharge, flood flow alteration, production export, nutrient removal, storm control, and ecosystem cleansing. The Proposed Project will result in permanent disturbance to onsite wildlife habitat, but potential impacts will be offset by the proposed planting and mitigation schemes inclusive of new habitat and some preservation of existing wildlife corridors and forest canopy, thereby mitigating and limiting potential impacts associated with the loss of wildlife habitat. Additionally, adjacent habitat areas on contiguous properties will continue to provide ample habitat for wildlife species.

**Comment III.B.16**

The survey noted, *"The ca. 50-acre mosaic of undeveloped upland forest, wetlands, and early successional habitat within the project site (between Route 287 and the railroad and extending off site) provides a small but high-quality block of unfragmented habitat that would be best left intact to preserve this potentially sizable concentration of eastern box turtles."* This recommendation from the survey is not included in the DEIS. Does any of the proposed project overlap with this area that is "best left intact"? How much is being removed? Please provide a map of the 50-acre area, and superimpose the limits of disturbance on top of it.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.16**

The 50 acres referenced in the Phase II bog turtle survey report references the undeveloped forested and wetland habitat within the western portion of the project site. A portion of this habitat will be developed as a result of the construction of Building 2. The impacts from Building 2 are depicted on DEIS Figure III.B-4, With Action Condition – Ecological Communities. Approximately 8.9 acres within the 50-acre area noted in the Phase II bog turtle survey report will be disturbed for the construction of Building 2, inclusive of 0.07 acres of unpaved path, 2.79 acres of successional old field, and 6.04 acres of oak-tulip tree forest.

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**Comment III.B.17**

The overall landscape schedule does not have a lot of diversity compared to the native vegetation and ecological communities surrounding the site. Only four deciduous trees are shown, one deciduous ornamental tree, one non-native evergreen tree, one evergreen shrub and two deciduous shrubs. Please add more diversity, especially trees, with the higher impacted communities of oak-tulip forest and successional old field. The only oak being utilized is the *Quercus alba* (white oak). All of the plant schedules on the plans are identical in numbers and species, which are not accurate to the plans shown.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.17**

The Landscape Plan has been modified to provide over 6,000 plantings varying in species. See FEIS Appendix D for the revised Landscape Plan. The landscape plan will be reviewed prior to site plan approval to ensure that species are appropriate for the setting, and offset the oak-tulip forest being removed.

**Comment III.B.18**

Within the DEIS, Figure III.B.6: Overall Landscape Plan does include one more deciduous shrub and ornamental grasses with *Asclepis syriaca* (Common Milkweed) added into the grasses. The additional species will help with the ecology of the site.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.18**

The Landscape Plan has been modified to provide over 6,000 plantings varying in species. See FEIS Appendix D for the revised Landscape Plan.

**Comment III.B.19**

However, Table III.B-3 Landscape Schedule is different and has a variety of species that do not follow the plans and has a number of non-native species which contradicts the recommendations in this section of using native species. The following species are listed as non-native species *Cercidiphyllum*

japonicum (Japanese Katsura Tree), Cupressus x Leylandii (Leland Cypress), Quercus acutissima (Sawtooth Oak), Cornus rutgan, (Stellar Pink Dogwood). It is recommended that these non-native species are reconsidered, especially as the majority of the impacts are to an Oak-Tulip Forest ecological community.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.19**

The Landscape Plan has been modified to provide more native species. See FEIS Appendix D for the revised Landscape Plan. The landscape plan will be reviewed and revised, as necessary, prior to site plan approval to ensure the plans prioritize native species to replace those being removed.

**Comment III.B.20**

For the Monarch Butterfly, Asclepias syriaca (Common Milkweed) is the host plant and great that this specific plant was added to the plant list and mixed with native grasses. However, late season, high nectar sourced flowers are also needed like asters and goldenrods. Please indicate how these will be added to the mix.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.20**

The Landscape Plan has been modified to provide over 6,000 plantings varying in species and provide more native species. See FEIS Appendix D for the revised Landscape Plan.

**Comment III.B.21**

In general, indicate who and how will these habitats, which are intended as mitigation, will be maintained.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.B.21**

In order to ensure the survival of the designed mitigation scheme, a maintenance program will be incorporated into the USACE Standard Individual Permit, the Findings, and site plan approval conditions. Following the initial plantings, protective measures such as fencing or netting will be installed as necessary to protect the mitigation sites from wildlife. The plantings will be assessed by an appropriate environmental or landscape specialist to measure the success of the mitigation to ensure continued viability after construction. The landowner will monitor the plantings for the first five consecutive growing seasons in accordance with the performance standards listed below according to the following schedule listed in the table below. In general, standard landscape notes will be required on the plans, which indicate: species shall not be substituted without approval by the Planning Board; and dead and dying vegetation will be replaced in kind and maintained for the life of the use.

Monitoring      Details

Season              Details

Season One        The mitigation site will be monitored in early spring, summer and late fall.

Season Two        The mitigation site will be monitored in early spring, summer and late fall.

Season Three      The mitigation site will be monitored in early spring and late fall.

Season Four        The mitigation site will be monitored in early spring and late fall.

Season Five        The mitigation site will be monitored in early spring and late fall.

**Plant Replacement:** An observed survival rate of 85 percent or more of the planted vegetation will be considered a successful planting for any given season. If greater than 15 percent mortality has occurred, replanting will be required and undertaken by the applicant to attain initial planting densities. Once established, natural succession will be allowed to occur. The natural, passive establishment of local species will further enhance the plant diversity of these mitigative zones. Upon completion of the fifth growing season and following USACE approval, the landowner will remove any on-site silt fences.

**Invasive species Identification and Eradication:** As part of the maintenance plan, any invasive plant species identified within the mitigation area will be targeted for removal using physical and if necessary, approved herbicidal management. Consultation and subsequent approval from USACE personnel will take place prior to the initiation of any herbicidal controls that may be required to control the spread of any invasive species. Mechanical removal will be required first, and where this is not effective, only then will herbicidal controls be used.

**Performance Standards:** To assess the success of the mitigation scheme on an annual basis, a set of ecologically based performance standards will be instituted to examine whether the project is achieving its objectives.

**Field measures** including a transect, observation points, or sampling plots for each vegetation bed will be used to perform an assessment of the mitigation areas to identify the community composition, vegetation, substrate, hydrological, and wildlife utilization attributes of the established and enhanced wetland areas. All mitigation areas within the site will be observed during each required field visit.

**Community Composition:** The relative cover for all native plant species within the strata of the wetland mitigation areas will be quantified by differentiating the absolute coverage of exotic/invasive species (if any) from the total cover of all species within each stratum.

**Vegetation:** Observation points will be located throughout planting zones. At each sample point herbaceous vegetation will be identified and recorded as follows:

- Sapling/Shrub Stratum – Each sapling/shrub within a 15-ft radius of the observation point will be identified and approximate cover for each individual specimen will be estimated by canopy diameter. A sapling/shrub will be classified as any woody plant having a height >3.2 ft. but a stem diameter of < 3.0 in., exclusive of woody vines.
- Herb Stratum – All herbaceous species within or foliage extending into a 5-ft radius of the observation point will be identified including nonwoody and woody plants <3.2 ft in height.
- Cover estimates for vegetation will be calculated using absolute cover and include overlap. Dominant species in each sample plot will be identified using the 50/20 rule.

**Substrate:** The substrate will be examined to determine if the selected plantings are taking root in line with the existing vegetation. The development or formation of a rooted mat structure supporting the targeted vegetation will be noted.

**Hydrology:** The mitigation areas will be visually observed to determine if the natural hydrology and stormwater detention provides adequate hydrology to maintain the mitigative plantings.

Observations of water levels will be recorded.

**Wildlife Utilization:** Direct observation of the mitigation areas at each point along the transects will be utilized to assess the presence and/or evidence of native and migratory wildlife species including birds, mammals, reptiles, amphibians, crustaceans and when possible insects and macroinvertebrates. Taxonomic description of wildlife or evidence thereof will be noted as to species and general location within the mitigation areas.

## III.C Wetlands, Water Bodies, and Watercourses

### *Comment III.C.1*

Based on the Hudson Valley Natural Resource Mapper, almost the entire site is in the riparian buffer of the Mahwah River. The Natural Heritage Program (NHP) has identified riparian buffers to highlight important streamside areas that influence stream dynamics and health. Well-vegetated riparian buffers intercept stormwater runoff, filter sediment and nutrients, and help attenuate flooding. Natural buffers also support unique and diverse habitats, and often serve as wildlife travel corridors. Development within the riparian buffer with additional impervious surfaces will result in the degradation of the quality of local waterways and exacerbate localized flooding. Additionally, tributaries 1 and 5 are mapped by NYSDEC and assigned a classification of "C". The best usage for class C fresh surface waters is fishing. Measures should be taken that prohibit any further degradation of these waterbodies but instead can result in water quality improvements. These impacts to environmental resources from the proposed development should be mitigated to the greatest extent possible.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### *Response III.C.1*

See prior comments regarding impacts and mitigations to onsite habitat and corridors. Additionally, as noted on DEIS page III.C.23, the Proposed Project would require a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-20-001) as more than one acre of land would be disturbed. In accordance with NYSDEC SPDES (GP-0-20--001), a Stormwater Pollution Prevention Plan (SWPPP) consisting of both temporary erosion and sediment controls and post-construction stormwater management practices would be prepared. Post-construction stormwater management measures that would be integrated into the Proposed Project would include water quality and quantity controls inclusive of infiltration systems and detention systems. Stormwater discharging to the onsite wetlands and tributaries would be treated and released through stabilized outlets with controlled flow rates and outlet protection.

The proposed stormwater management practices have been designed to satisfy the water quality volume, minimum runoff reduction, channel protection, overbank flood, and extreme storm requirements set forth by the New York State Stormwater Design manual. All stormwater discharged from the stormwater management devices would discharge at a rate equal to or less than the pre-development drainage condition of the site, and therefore would not impact the receiving wetlands or waterbodies.

The Proposed project will result in the increase of impervious surfaces and therefore an increase in the volume of stormwater runoff from the project site. However, as noted on DEIS page III.C.23 under the Water Quality section, the proposed infiltration and detention facilities will maintain current flow rates and hydrological inputs to wetlands and tributaries, therefore maintaining its current hydrology and functionality. Further, outlet control structures will ensure that stormwater is released at a rate that does not significantly impact the tributary or its associated wetland. Therefore, the increase in impervious surfaces will not significantly impact the onsite tributaries and associated wetlands. These tributaries and wetlands will also continue to provide additional habitat as well as safe pathways for movement throughout the site.

**Comment III.C.2**

The western portion of the Project Site contains 100- and 500-year floodplains (areas with a 1 and 0.2 percent chance of flooding in a given year, respectively) and a floodway. Along the western tributaries (Tributary 1 and 4), the Project Site is located within the 100-year floodplain. Based on FEMA FIRM maps, the 500-year flood elevation within the western portion of the site has not been determined.

The subject property is located in the Suffern Flood Plain District, which is subject to Section 266-17 of the Village of Suffern Zoning Code. Per Section 266-17C., all uses in the Flood Plain District require the issuance of a special permit. A plan demonstrating that floodproofing measures are consistent with the flood protection elevation and associated flood factors for the area must be submitted to the Planning Board by a registered professional engineer. This plan must demonstrate that the proposed development will not result in any adverse effects on the neighboring properties within the floodplain. The Floodplain Administrator for the Village of Suffern shall certify that the proposed construction is in compliance with the floodplain regulations of the Village and the Federal Emergency Management Agency.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

**Response III.C.2**

A floodplain analysis has not been prepared as the 100-year floodplain elevation has already been established by FEMA. A special permit is required from the Planning Board to permit the regrading/disturbance within the floodplain and will be requested during the Site Plan review process. The Applicant will submit the required plans and information in accordance with Section 266-17C of the Village of Suffern Zoning Code. As the floodplain also contains the onsite wetland habitat, any floodplain measures will need to be consistent with the mitigation plans for wetland preservation and enhancement.

**Comment III.C.3**

In Table III.C.1, Wetland Functions and Values, Wetlands B, D and F are not recognized for flooding attenuation. Further discussion should be provided as to why these wetlands are not being recognized for flood attenuation. Wetlands B and F are not in the 100-year flood plain which does not necessarily mean they do not have value for alleviating flooding, as the DEIS recognizes that the hydrology is maintained by groundwater seepage and runoff/precipitation. Additionally, Wetland D drains to Wetland E which is recognized for flood attenuation.

The Proposed Project will result in unavoidable impacts to federally regulated wetlands and tributaries. The Village and other involved and interested agencies must be satisfied that the applicant has worked with the United States Army Corps of Engineers (USACOE) to acquire all necessary permits for the filling of wetlands, any wetland disturbance, and that the replacement of existing culverts and installation of new culverts will maintain the existing connectivity between USACOE regulated freshwater wetlands via USACOE regulated tributaries.

The applicant suggests that the loss of wetland functions and values would be compensated for with mitigation, though the implementation of stormwater management practices (i.e., vegetated infiltration basins) and other vegetated areas. This should be further substantiated and demonstrated. The Village must be satisfied that the mitigation measures proposed will reduce or avoid potential significant adverse environmental impacts to natural resources.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### ***Response III.C.3***

Wetland B formed along at the base of a disturbed plateau within the southwestern portion of the subject property and drains to Wetland A via a culvert beneath the internal roadway. Wetland B is located along a slope and all surface water stored within the wetland drains to Wetland A. All runoff/precipitation received by Wetland B drains to Wetland A and, therefore, Wetland B does not provide flooding attenuation.

Wetland D is a small, narrow feature located in a steep depression area that collects stormwater runoff from areas adjacent to the railroad bed and drains to Wetland E via a culvert beneath the internal roadway. As Wetland D is located on a slope, it does not provide significant stormwater retention. All runoff/precipitation received by Wetland D quickly drains to Wetland E and, therefore, Wetland D does not provide flooding attenuation.

Wetland F is a linear riparian wetland associated with Tributary 3, a channelized ditch. While Wetland F receives runoff from Wetlands D and E, the wetland is shallow and narrow and provides limited flood control. All runoff/precipitation received by Wetland F quickly drains to Wetland A, therefore Wetland F does not provide flooding attenuation.

Per DEIS page III.C.1, on March 10 and March 11, 2016, the on-site wetlands were delineated by Robert G. Torgersen. On March 26, 2019, Capital Environmental Consultants, Inc. (Capital) confirmed the location of Mr. Torgersen's flags and conducted soil sampling to confirm the location and extent of any onsite wetlands and watercourses he delineated. The delineation was performed in accordance with the three-parameter methodology outlined in the ACOE 1987 Wetland Delineation Manual (TR-Y-87-1) and Northcentral and Northeast Regional Supplement. An Approved jurisdictional determination request was submitted to the United States Army Corps of Engineers (USACE) in June 2019. An AJD was issued by USACE on January 10, 2020, confirming the location and extent of the on-site federally regulated wetlands.

As the Proposed Project entails the impacts to USACE regulated freshwater wetlands and replacement of existing culverts and installation of new culverts to maintain the existing connectivity between USACE regulated freshwater wetlands via USACE regulated tributaries, a USACE Standard Individual Permit is required. To offset impacts to the onsite regulated wetlands, mitigation measures will be prepared and implemented in accordance with a USACE Standard Individual Permit. Additionally, the culverts have been sized and designed in accordance with Section G-B of the USACE General Regional Conditions.

### ***Comment III.C.4***

The representation that the pond was constructed for industrial stormwater purposes is incorrect. The pond appears in aerial images from 1953. This valley area, between what was Snake Hill to the west and the forested upland rise to the east, was in farm use, and the pond likely served as a source of water for irrigation. It was not created with the arrival of Ciba-Geigy – it was retained, including

throughout all the various expansions at the plant. The project would remove the pond, and all habitat/wildlife associated with it. The FEIS needs to disclose specifically what species were found within this pond, which is proposed to be removed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.C.4***

The pond is man-made and was originally created in the middle of a series of farmed fields as a farm pond for irrigation dating back to at least 1943 per topographic and aerial imagery. Amphibian and reptile species observed within and immediately adjacent to the pond include the common snapping turtle (*Chelydra serpentina*), painted turtle (*Chrysemys picta*), northern water snake (*Nerodia sipedon*), and green frog (*Rana clamitans*).

***Comment III.C.5***

The "pond" keeps being represented as a "stormwater pond". It is our understanding that it is fed by the intermittent streams and then discharged to a swale which then feeds the wetland. With the removal of the pond, how is discharge going to feed the wetland system? The wetlands are where the various turtle species have been encountered. Changing the hydrologic regime and the impact on the quality of the wetlands, is not evaluated. Page III.C.19 needs to address the extent to which the paths of flow may be changed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.C.5***

Although a historic culvert exists between intermittent Tributary 3 and the pond, there is currently no documented flow or evidence thereof from Tributary 3 to the pond. During site visits with the USACE and subsequent four season NRI, it was determined that the connection was likely historic in nature but has been disconnected for an extended period of time as the inlet is sited along the top of bank of Tributary 3, many feet above the ordinary high water mark. It is our professional opinion that no hydrologic flow from Tributary 3 reaches the pond.

There is no drainage from the pond via the swale to Wetland A. As noted on DEIS page III.C.15, the source of wetland hydrology for Wetland A is surface water runoff, seasonal groundwater fluctuations and overbank flooding from Tributary 1.

As noted on DEIS page III.C.23, the Proposed Project would require a NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activities (Permit No. GP-0-20-001) as more than one acre of land would be disturbed. In accordance with NYSDEC SPDES (GP-0-20-001), a Stormwater Pollution Prevention Plan (SWPPP) consisting of both temporary erosion and sediment controls and post-construction stormwater management practices would be prepared. Post-construction stormwater management measures that would be integrated into the Proposed Project would include water quality and quantity controls inclusive of infiltration systems and detention systems. Stormwater discharging to the onsite wetlands and tributaries would be treated and released through stabilized outlets with controlled flow rates and outlet protection. The proposed stormwater management practices have been designed to satisfy the water quality volume, minimum runoff

reduction, channel protection, overbank flood, and extreme storm requirements set forth by the New York State Stormwater Design manual. All stormwater discharged from the stormwater management devices would discharge at a rate equal to or less than the pre-development drainage condition of the site, and therefore would not impact the receiving wetlands or waterbodies.

***Comment III.C.6***

The DEIS discusses the culverts that will continue to allow wetland flow along the tributaries. However, there is no discussion that these wetland corridors are running through a hardwood swamp, and vegetation is being removed. How does the removal of the natural wetland vegetation within the canopy of the wetlands affect its function? How are the wetlands affected by removing the canopy around the perimeter of the on-site wetlands to maximize impervious surfaces on the site?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.C.6***

Installation of culverts will occur within currently disturbed areas of the site where historically maintained pathways and existing culverts are currently present. Removal of vegetation associated with culvert installation is minimal, will not deplete the tree canopy within wetlands, and will not significantly impact the wetlands functions and values. Any de minimis impacts to wetlands resulting from culvert installation in historically developed and maintained areas will be offset by the proposed mitigation. As noted on page III.C.27, to compensate for potentially adverse impacts to USACE freshwater wetlands, a mitigation scheme has been incorporated into the Proposed Project, consisting of 43,959 square feet (1.01 acres) of enhanced basin slopes to freshwater wetlands and 2,588 square feet (0.06 acres) of buffering 5-foot-wide hedgerow planted with native species. The proposed enhancements will provide improved freshwater wetland values including groundwater recharge/discharge, flood flow alteration, production export, nutrient removal, wildlife food and habitat, storm control, and ecosystem cleansing.

The culverts (both existing and proposed) are within the provided limits of disturbance and located beneath new access driveways. Prior to site plan approval, the watercourse connecting Wetland A and C shall be evaluated, and designed to ensure maximum preservation of existing canopy and further replacement to minimize daylighting the corridor.

***Comment III.C.7***

Impacts to the pond are not unavoidable. Smaller warehouses, and alternative designs would allow for it to be retained. The FEIS should acknowledge these impacts are not "unavoidable". Why is the wetland impact not compensated by wetland creation? Two acres of ponded wetland are being removed. Does the ACOE find the mitigation acceptable and does it meet regulatory requirements?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.C.7***

The proposal meets the goals and objectives of the Applicant.

Alternative designs would allow for the pond to be retained and would avoid impacts to the onsite wetlands and waterbodies. However, as the proposed project plan entails impacts to the onsite wetlands and waterbodies, mitigation is proposed to compensate for these impacts. The proposed project entails 101,431 square feet (2.329 acres) of disturbance to regulated wetlands and waterbodies. 2.23 acres of the proposed disturbance occurs as a result of the proposed disturbance

to the pond. The remaining 0.099 acres of wetland and waterbody impacts are proposed within Wetland A, Wetland C, and the onsite tributaries.

Mitigation is proposed to offset the significant adverse environmental impacts to natural resources resulting from filling USACE regulated wetlands and waterbodies. Mitigation measures will be prepared and implemented in accordance with a USACE Standard Individual Permit. Per recent discussions with USACE, impacts to the pond should be mitigated with wetland creation at a 1:1 ratio. This is reflected in the proposed Mitigation Plan which has been updated to include the creation of 110,213 square feet (2.53 acres) of wetland habitat, a portion of which has been designed to replicate the functions and values of the pond in addition to providing food, cover and habitat for wildlife species on site. Impacts to the pond are mitigated at a 1.7:1 ratio, greater than the requested 1:1 ratio. The remaining 0.099 acres of wetland and waterbody impacts will be mitigated at a 13.2:1 ratio with 1.31 acres of enhancement including 43,959 square feet (1.01 acres) of wetland adjacent area along enhanced basin slopes, and 12,940 square feet (0.30 acres) for a 5-foot-wide buffering hedgerow. Therefore, through compliance with USACE requirements and guidance from the District office, the proposed compensatory mitigation will offset the impacts associated with filling USACE regulated wetlands and waterbodies from a permitting perspective.

## III.D Stormwater Management

### ***Comment III.D.1***

The above referenced site is outside the jurisdiction of the RCDA, pursuant to the Rockland County Stream Control Act, Chapter 846. Therefore, a Stream Control Act permit from the RCDA is not required for developments within this site. Also, the RCDA has no further comments regarding the proposal, pursuant to the State Environmental Quality Review (SEQR).

(Correspondence #1, Letter from Liron Derguti, Engineer I, Rockland County Drainage Agency, dated 4/10/2023)

### ***Response III.D.1***

Comment noted. Thank you for your review.

### ***Comment III.D.2***

The RCDA recommends that the municipal land use boards and/or departments review all development proposals for this site and ensure that developments with increase in impervious areas and/or land disturbances will not result any increase in stormwater runoff from the site and will have adequate measures to prevent soil erosion and control sediment from leaving the site.

(Correspondence #1, Letter from Liron Derguti, Engineer I, Rockland County Drainage Agency, dated 4/10/2023)

### ***Response III.D.2***

Comment noted. The Village of Suffern Planning Board is Lead Agency for the SEQRA review. The project will also be subject to site plan review, which will include a detailed review of site plans, grading and drainage plans, erosion and sediment control measures, and review of the full stormwater pollution prevention plan. At this time all stormwater comments have been coordinated and reviewed by the Village Engineering consultant. The Applicant has provided substantial documentation that all stormwater requirements can be satisfied, and mitigations proposed. The site plan shall address all comments prior to approval.

### ***Comment III.D.3***

The Proposed Project will result in 52.79 acres of impervious surface coverage, an increase of 31.93 acres, an overall increase in impervious cover by 153 percent.

There is no mention or reference to the use of "green infrastructure" in any of the discussion of stormwater management practices in the DEIS other than the use of a series of "vegetated" stormwater infiltration and detention facilities. To help reduce the impact of this development, reduction of impervious surface should be considered. It is recommended that porous pavers or porous concrete be considered to replace the use of conventional asphalt. If installed correctly and property maintained porous pavers have been shown to be effective in helping manage off-site runoff of stormwater. In addition to permeable pavers, other green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of

permeable pavers and other green infrastructure techniques should be considered such as bioswales, rain gardens, and rainwater capture. For long term effectiveness of permeable pavers and other green infrastructure techniques, it is recommended that the Village and applicant review Chapter 5 "Green Infrastructure Practices" of the 2015 NYSDEC Stormwater Design Manual.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

***Response III.D.3***

Porous pavement is not required nor being proposed. The other green infrastructure techniques mentioned (rain gardens, rainwater capture, and bioswales) are not required due to successfully satisfying the NYSDEC stormwater requirements through the implementation of other on-site stormwater management practices. The Village Engineering consultant has reviewed the merits of the proposed stormwater design and is satisfied that the Applicant can achieve all goals and exceed all requirements.

***Comment III.D.4***

We note that the NYS DEC is drafting revisions to the Stormwater Management Design Manual with public comment through November 18, 2022. The Final SWPPP must be prepared in accordance with the most recently adopted standards unless the project is somehow grandfathered. Please address which standards the project will be required to meet.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.D.4***

The plans currently comply with the January 2015 NYS SW Management Design Manual. The public review and comment was extended to December 18, 2022. The new manual has yet to be adopted.

## III.E Hazardous Materials

### ***Comment III.E.1***

The DEIS indicates that standard demolition practices such as the removal or abatement of any existing chemical on-site would be employed prior to construction of the proposed buildings. It may be necessary to apply for NYSDEC permits and submit work plans for approval from this remedial work.

Any required permits should be referenced in the Summary of Required Approval on Page 1.14 and on Page II.16

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### ***Response III.E.1***

The Mack Group oversaw the abatement of all hazardous materials prior to any demolition activities. The Mack Group also provided Certificates of Completion for abatement of all hazardous materials to the Village of Suffern Building Inspector.

### ***Comment III.E.2***

The applicant has provided additional information regarding changes to the remediation of various materials on the project site. The most recent Hazardous Materials Survey (L1) included lists for various hazardous/universal waste products still on site, as well as the presence of lead-based paint. The applicant had previously stated that all hazardous/universal waste had been removed from site, but the June 2022 shows a different conclusion. We defer to the Building Inspector to handle any issues regarding the final remediation of the project site.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### ***Response III.E.2***

The Applicant and their demolition contractor complied with the Village of Suffern Building Inspector through the demolition process. The only materials regulated by the Toxic Substances Control Act (TSCA) which were identified in the Hazardous Materials Survey Report in Appendix L1 include light ballasts. Light Ballasts were removed by the Applicant's demolition contractor accordingly.

### ***Comment III.E.3***

Overall, the mitigations measures section does not include the recommendations from the Hazardous Materials Survey Report, such as the recommended recycling of the light ballasts on the site. If these recommendations are not implemented, it does not seem that these impacts are properly mitigated.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### ***Response III.E.3***

The Applicant and their demolition contractor complied with the Village of Suffern Building Inspector through the demolition process. The only materials regulated by the Toxic Substances Control Act

(TSCA) which were identified in the Hazardous Materials Survey Report in Appendix L1 include light ballasts. Light Ballasts were removed the Applicant's demolition contractor accordingly.

**Comment III.E.4**

The applicant states *"any remaining hazardous waste (such as sludge left in tanks)"* was disposed of. Does this include all of the materials regulated by the TSCA inventoried in Appendix L1?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.E.4**

The Applicant and their demolition contractor complied with the Village of Suffern Building Inspector through the demolition process. The only materials regulated by the Toxic Substances Control Act (TSCA) which were identified in the Hazardous Materials Survey Report in Appendix L1 include light ballasts. Light Ballasts were removed the Applicant's demolition contractor accordingly.

**Comment III.E.5**

*"After hazardous material removal, asbestos abatement, and universal waste removal is complete..."* suggests that none of this work is done yet. The applicant seemed to make previous comments suggesting it was. Considering that demolition is already in progress, this should be clarified and the status of the demolition activities provided in the FEIS.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.E.5**

The Applicant and their demolition contractor complied with the Village of Suffern Building Inspector through the demolition process. The only materials regulated by the Toxic Substances Control Act (TSCA) which were identified in the Hazardous Materials Survey Report in Appendix L1 include light ballasts. Light Ballasts were removed by the Applicant's demolition contractor accordingly.

**Comment III.E.6**

The applicant claims that the use of water *"...will ensure that no dust is able to leave the property."* We do not believe this to be a factual conclusion, although it may be more appropriate for the applicant to state it will greatly limit the dust from leaving the property. The applicant should provide potential impacts of dust leaving the site.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.E.6**

Comment noted. To the maximum extent practicable, the Applicant will limit dust from leaving the property. See FEIS Appendix E for the Erosion and Stormwater Pollution Prevention Plan, Sheet No. 12 for Sediment & Soil Erosion Control notes. Dust control and sprinkling is also discussed in the SWPPP (See Page 7).

**Comment III.E.7**

*"the minor acetone exceedance at LAN-SB-4 is not believed to be associated with a site-related spill."* Is there another reason why the level was higher? If it is not spill related, the applicant should provide a reasonable explanation for why the level of acetone is higher, especially considering it is commonly used in labs.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.E.7**

Acetone is a common laboratory artifact. Since no other VOCs were detected in exceedance of the NYSDEC SCOs, the minor acetone exceedance at LAN-SB-4 is not believed to be associated with a site-related spill, but rather a lab contaminant, and therefore no further investigation or remediation is warranted for the soils.

**Comment III.E.8**

The Hazardous Waste Storage Shed had a temporary well point put in but no soil borings were completed. The study states *"As elevated concentrations of these constituents were not also detected in the soils"* but soil borings were not done near the TWP-5 location. This conclusion cannot yet be determined accurate or inaccurate for the Hazardous Waste Storage Shed. Also is there a reason why no borings were completed by the Hazardous Waste Storage Shed area? Please provide.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.E.8**

The reference to elevated concentrations refers to overall groundwater quality conditions at the Site, not specifically the Hazardous Waste Storage Shed (CSA-1). Exceedances for PAHs and metals were detected in groundwater in other areas of the site. At the TWP-5 location, one minor estimated concentration exceedance was detected for benzo(b)fluoranthene (0.02J ug/l, NYSDEC TOGS GA = 0.002 ug/l). The intent of the TWP installation and sampling program was to gain information on the overall groundwater quality conditions at the Site, not necessarily specifically related to the Hazardous Waste Storage Shed (CSA-1).

As stated in the July 2021 Phase I ESA "In 1989, PRC Environmental Management, Inc. (PRC) conducted a site visit to confirm information in a preliminary assessment and identify areas of concern. No evidence of discharges was observed during PRC's February 1989 inspection. CSA's -1, -2, and -3 were also inspected during both the O'Brien & Gere and ATC Phase I ESAs and the current Langan Phase I ESA, and no evidence of discharges was observed during those inspections. No records of spills related to these CSAs was identified in the environmental database searches. Based on the documents reviewed by Langan, no environmental impacts were identified in relation to these facilities" Therefore, sampling specific to the Hazardous Waste Storage Shed (CSA-1) was not conducted.

***Comment III.E.9***

The metals table on page 10 is not correctly labelled. TWP-3 and TWP-4 had metal levels exceeding NYSDEC TOGS GA. We also note that this would provide levels exceeding standards in both the water and soil at the approximate location of the fiber drums. Please explain and address.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.E.9***

The text table on page 10 was incorrectly labeled (from left to right) as "TWP-4" and "TWP-5". The correct labels should read (from left to right) as "TWP-3" and "TWP-4". This change in the text does not affect the figures, tables, or conclusions. This text table only applies to groundwater. No site-related exceedances of the soil Unrestricted, Residential, Commercial, or Industrial SCOs were detected in the soil samples collected in the fiber drums area during the Phase II. See FEIS Appendix F for the corrected Phase II ESA (dated 10 November 2021, revised 26 July 2023).

***Comment III.E.10***

The conclusion has no mention of the SVOCs in the groundwater.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.E.10***

PAHs are discussed in the groundwater conclusions discussion. PAHs are a sub-group of SVOCs.

## III.F Traffic and Transportation

### ***Comment III.F.1***

Scope Item III.F.2.b. requires a description of " ... access to the Project Site from both driveways. Specifically include a description of anticipated passenger car and truck usage for both driveways. Address RCHD request to have trucks only be able to make a right turn from the access drives onto Hemion Road and configured and designed to achieve this objective." It appears the intent is to have both of the access driveways Old Mill Road as well as the existing access to Hemion Road (CR 93) to serve both passenger cars and trucks, however this should be more clearly identified in the DEIS. Furthermore, the utilization of both Old Mill Road driveway connections for passenger cars and trucks should be discussed. The proposed access configuration is generally discussed on DEIS Page II.15 under Access, vehicular circulation, parking and loading, pedestrian circulation and sidewalks, but the usage of the access driveways for both passenger cars and trucks should be added to this discussion.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

### ***Response III.F.1***

Additional discussion regarding the driveway movements is included on Page 30 of the Traffic Impact Study in the Appendices of the FEIS.

### ***Comment III.F.2***

There is no discussion in any of the documents regarding the RCHD request to have trucks only be able to make a right turn from the access drives onto Hemion Road and the driveways configured and designed to achieve this objective other than the discussion of designated access highways provided in DEIS Section III.F - Proposed Traffic Generation and also provided in the TIS. Further discussion of the RCHD request should be provided.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

### ***Response III.F.2***

Additional discussion regarding the driveway movements is included on Page 30 of the Traffic Impact Study in the Appendices of the FEIS.

### ***Comment III.F.3***

There is no discussion of the existing rail crossing at Airmont Road and the usage of the same as it relates to traffic flow along Airmont Road. This should be discussed in the DEIS and TIS as it relates to the operation of the Airmont Road (CR 89) & Dunnigan Drive/Interstate Waste Services Driveway and Airmont Road (CR 89) & North DeBaun Avenue which are in close proximity to this rail crossing.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.3**

The FEIS has been prepared to include additional discussion in the Traffic Impact Study in the Appendices. No train crossings were observed during the MTM count periods. As such, it is not anticipated that train crossings would have a significant impact on operations during the peak operating hours of the roadway network.

**Comment III.F.4**

The sight distance conditions at the intersection of Old Mill Road and Hemion Road should be reviewed relative to required Stopping Sight Distance (SSD) and Intersection Sight Distance (ISO) for both passenger cars and trucks based on American Association of State Highway Transportation Officials (AASHTO) criteria for all movements entering and exiting Old Mill Road. It appears based on our review that sight distance looking to the left from this location is somewhat limited and improvements may be required to achieve the minimum required sight distances. Sight distance profiles may be required to properly analyze the sight distances at this location.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.4**

Additional discussion regarding the sight distance analysis is included on Page 78 of the Traffic Impact Study in the Appendices of the FEIS.

**Comment III.F.5**

The sight distance conditions at the intersection of Hemion Road and the existing southerly Site Driveway should be reviewed relative to required Stopping Sight Distance (SSD) and Intersection Sight Distance (ISD) for both passenger cars and trucks based on American Association of State Highway Transportation Officials (AASHTO) criteria for all movements entering and exiting the site driveway considering the horizontal and vertical curves along Hem ion Road in this area. Sight distance profiles may be required to properly analyze the sight distances at this location.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.5**

Additional discussion regarding the sight distance analysis is included on Page 78 of the Traffic Impact Study in the Appendices of the FEIS. Sight distance profiles will be provided as part of future Site Plan submissions.

**Comment III.F.6**

It is not clear what if any improvements are proposed to the existing southern site access driveway or Old Mill Road particularly for the sections of these roadways within the Village of Montebello.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.6**

No improvements are proposed to the southern access driveway.

**Comment III.F.7**

Scope Item III.F.1.b indicates "Consult with New York State Department of Transportation (NYSDOT), Rockland County Highway Department (RCHD), and New York State Thruway Authority (NYSTA) on methodology for the traffic study prior to conducting the analyses." Correspondence from NYSDOT is included as Appendix E5 of the DEIS. No other correspondence from RCHD or NYSTA is provided, therefore it cannot be concluded that the Applicant consulted with these agencies prior to performing the Traffic Impact Study although it is noted that these agencies were provided with the opportunity to comment on the Scoping Document.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.7**

Comment noted. DEIS review comments were received from both NYSDOT and NYSTA and incorporated into this FEIS.

**Comment III.F.8**

DEIS Section III.F - Existing Traffic Volumes indicates that "... an adjustment factor of 1.12 and 1.22 for the AM and PM were applied to the collected traffic volumes respectively..." to account for the effects of COVID-19 on the existing traffic data utilized in the analysis. However, the TIS indicates a 1.14 adjustment factor was utilized for both peak hours. This should be clarified. The 1.14 adjustment factor noted in the TIS appears appropriate.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.8**

The COVID adjustment factor of 1.14 is correct. Section III.F of the DEIS is revised to reflect the correct COVID adjustment factor.

**Comment III.F.9**

DEIS Section III.F - Existing Traffic Volumes also indicates that "A seasonal adjustment factor of 1.112 for commuter-dominated roadways during the work week was obtained from the NYSDOT Seasonal Adjustment Factor Table published in May 2022 to account for the decrease in traffic during the summer months." It should be confirmed that this seasonal adjustment factor was applied together with the COVID-19 adjustment factor mentioned above.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.9**

The seasonal adjustment factor of 1.112 was applied to volumes at the intersection of Airmont Road (CR 89) & Montebello Road (CR 64)/Rella Boulevard in conjunction with the COVID adjustment factor of 1.14.

**Comment III.F.10**

The crash analysis indicates that the average accident rates for the study area intersections were "... compared to compared to the 2016 Average Accident Rates Table published by the New York State Department of Motor Vehicles." The accident rates should be compared to the latest Average Accident Rate information which is based on Accident data January 1, 2019 through December 31, 2020 and can be found at the following link:

<https://www.dot.ny.gov/divisions/operating/osss/highway/crash-analysis-toolbox>

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.10**

The crash analysis has been revised to compare the accident rates at the study intersections to the latest statewide average accident rate data.

**Comment III.F.11**

The following intersections were found to exhibit average accident rates greater than twice the statewide average accident rate:

- › Lafayette Avenue (NYS Route 59) & Campbell Avenue/Hemion Road (CR 93)
- › Lafayette Avenue (NYS Route 59) & Airmont Road (CR 89)
- › Airmont Road (CR 89) & North DeBaun Avenue
- › Lafayette Avenue (Route 59) & Brookside Avenue

Since the Project will add significant traffic to each of the identified intersection, these intersections should be reviewed for potential low-cost mitigation measures that could be implemented to mitigate the high accident rates at these intersections.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.11**

The crash analysis has been revised in accordance with the above comment and potential low cost mitigation measures were reviewed at each intersection. The crash analysis has been updated to propose signage countermeasures at the intersections of Route 59 & Hemion Road and Route 59 & Airmont Road. Further, the change to protected only phasing for the southbound left turn movement at Hemion Road and the eastbound left turn movement at Route 59 & Airmont Road is anticipated to result in a decrease in crashes for these movements.

**Comment III.F.12**

The DEIS indicates that 2024 is the anticipated build year for the Proposed Project and that none of the coordinating agencies for the TIS requested an analysis year beyond the build year. The DEIS Section II - Construction Schedule and Construction Phasing Plan discussion indicates a 26-month construction phase. Even if all project approvals were granted by July 2023, as an example and

construction began in August 2023, which seems aggressive, the Project construction would not be completed until October 2025. This would seem to indicate that a build year of 2026 is more appropriate for the traffic analysis. Further clarification should be provided on the anticipated build year and the analysis update to reflect the same as necessary.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.12***

The build year has been updated to 2026.

***Comment III.F.13***

We understand that a proposed approximately 650,000 sq. ft. warehouse project known as the Suffern Quarry Logistics Center has been submitted to the Village of Suffern on August 31, 2022, which appears to propose access to Old Mill Road as well as possible access to NYS Route 59 via Tilton Road (this may be emergency access only). This project was not required to be included as part of the No-Build analysis by the Scoping Document since it was submitted after the Scoping Document was accepted, however given the significance of this potential Project and that it appears that Old Mill Road is also proposed to be utilized for access to that Project, it is our opinion that a supplemental analysis should be provided considering the traffic associated with the potential Suffern Quarry Logistics Center project.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.13***

It is our understanding that the Suffern Quarry Logistics Center project has not moved forward beyond the initial submission. Therefore, it has not been included in the analyses as an adjacent development.

***Comment III.F.14***

The DEIS indicates, "The Proposed Project security gate would be located to allow for ample throat length to accommodate potential queuing vehicles and trucks." However, there is no clear indication in the DEIS, TIS or Site Plans where any security gates will be located. This information should be provided if proposed.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.14***

The security gate is located where the existing southerly site driveway intersects the internal access aisle as noted on Sheet 22, Site Plan F, of the site plans.

**Comment III.F.15**

Lafayette Avenue (NYS Route 59) & Campbell Avenue/Hemion Road (CR 93) proposed mitigation measures include:

- › Minor signal timing adjustments;
- › Restriping the eastbound and southbound left turn lanes to provide 325 and 300 feet of storage length, respectively; and
- › Modification to the radius on the northeast corner of the intersection to facilitate tractor trailer turning maneuvers

A summary of the proposed signal timing changes should be provided in the DEIS and/or TIS for clarity. The ability to make these signal timing adjustments, which are necessary to mitigate the Project impacts, requires input from NYSDOT. Also note that the TIS indicates the restriping of the eastbound and southbound approaches will provide 300 ft. of storage length for both left turn movements not 325 as identified in the DEIS. This should be clarified. Furthermore, it is not clear how these improvements in storage length will be achieved with restriping alone. Conceptual improvement plans should be provided showing the full extent of the proposed improvements.

The timing modifications at this intersection also indicate that the northbound approach will experience a greater increase in delays with the timing modifications than without. This is likely to the benefit of other movements at the intersection.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.15**

Conceptual Improvement Plans for the proposed intersection improvements have been provided in the FEIS. See FEIS Appendix G. The Traffic Impact Study has been revised to correctly note the length of 475 FT for the proposed eastbound left turn lane, consistent with the provided Conceptual Improvement Plans.

**Comment III.F.16**

Lafayette Avenue (NYS Route 59) and Airmont Road (CR 89) proposed mitigation measures include

- › Minor signal timing adjustments; and
- › Modification of the radius on the northwest corner of the intersection to facilitate tractor trailer turning maneuvers

A summary of the proposed signal timing changes should be provided in the DEIS and/or TIS for clarity. The ability to make these signal timing adjustments, which are necessary to mitigate the Project impacts, requires input from NYSDOT. Even with the signal timing improvements the Project generated traffic will still result in an approximately 125 ft. increase in the eastbound left turn queue length over future No-Build conditions. This intersection should be reviewed for further improvements such as a double left turn from NYS Route 59 to Airmont Road.

The timing modifications at this intersection also indicate that the southbound through movement queue is projected to increase from 730 ft. to 926 ft., an increase of nearly 200 ft. as a result of the Project.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.16***

Conceptual Improvement Plans have been provided in the FEIS. See FEIS Appendix G. The Traffic Impact Study has been revised to include a summary of signal timing adjustments.

***Comment III.F.17***

Signal timing adjustments are proposed for the intersections of Airmont Road (CR 89) at the I-87 SB/I-287 EB Ramps and Airmont Road (CR 89) at the I-87 NB/I-287 WB Ramps. A summary of the proposed signal timing changes should be provided in the DEIS and/or TIS for clarity.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.17***

The Traffic Impact Study in Appendix G of the FEIS has been revised to clarify the proposed signal timing adjustments. The Traffic Impact Study has been revised to include a summary of signal timing adjustments.

***Comment III.F.18***

The installation of all-way stop control is proposed for the intersection of Montebello Road (CR 64) at Hemion Road (CR 93)/Ryan Mansion Drive which will mitigate Project related impacts at this intersection. The DEIS indicates that this "...would require an evaluation submitted to Rockland County to determine if such control is warranted according to Manual on Uniform Traffic Control Devices (MUTCD) criteria." This warrant analysis should be provided as part of the DEIS, so the full mitigation measures are known. Furthermore, if warranted, a conceptual plan should be provided showing the proposed signage and striping at the intersection and any advanced signage.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.18***

The FEIS has been updated to provide an all-way stop control (AWSC) warrant analysis and Conceptual Improvement Plan. See Appendix G.

**Comment III.F.19**

Any proposed improvements to the Hemion Road (CR 93) & Old Mill Road and Hemion Road (CR 93) & Site Driveway intersections such as signage, striping, sight distance improvements, etc., should be discussed. These intersections should also be reviewed in consultation with the RCHD for the potential need for a left turn lane along Hemion Road in accordance with AASHTO left turn lane warrant criteria.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.19**

The improvements to the Hemion Road (CR 93) & Old Mill Road intersection are detailed on Page 53 of the Traffic Impact Study in the Appendices of the TIS. A left turn lane is proposed along Hemion Road (CR 93) and a Conceptual Improvement Plan has also been provided.

**Comment III.F.20**

The Vehicle Circulation Plan Sheet 1 of 3 contained in Appendix E2 appears to show significant improvements to the existing southerly access driveway including the following:

- › Widening of the entire length of the roadway to provide a consistent width of approximately 36 ft.
- › Pavement widening to accommodate truck turning maneuvers at the first internal intersection with the onsite circulation roadway.
- › Widening of the site access driveway to provide a separate left and right turn lane exiting the site.
- › Widening of Hemion Road to provide a separate left turn lane northbound and a separate right turn lane southbound for vehicles entering the site.

These improvements are not discussed in the DEIS or TIS. These should be added to the list of mitigation measures proposed by the Project. It should also be noted that land dedication may be required to accommodate a portion of the proposed widening along Hemion Road.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.20**

Improvements are no longer proposed to the southern access driveway. Therefore, this comment is no longer applicable.

**Comment III.F.21**

No justification for the heavy vehicle percentages or peak hour factors utilized in the capacity analysis is provided in the count data provided in the TIS Appendix B. These analysis inputs cannot be confirmed. Additional information should be provided.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.21**

Appendix B of the TIS Appendix has been revised to include the peak hour printouts for each intersection which state the peak hour factors and heavy vehicle percentages.

**Comment III.F.22**

The traffic volume data contained in TIS Appendix B does not appear to include pedestrian volume data for all but one intersection. It is not clear if this is because no pedestrians were observed during these counts or if pedestrian counts were not conducted. However, the capacity analyses include conflicting pedestrian volumes for some intersections. How was this information obtained? We would expect greater numbers of pedestrians along Route 59 than are included in the analysis.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.22**

Appendix B of the TIS Appendix has been revised include pedestrian volume data in the printouts.

**Comment III.F.23**

For the intersections of Airmont Road (CR 89) & I-87 SB/I-287 EB Ramps, Airmont Road (CR 89) & I-87 N B/I-287 WB Ramps it is noted "that traffic signal timings were requested from the Town of Ramapo, Rockland County, NYSDOT, and NYSTA but were not received." The ownership of these traffic signals has not been identified in the study as required by Scope Item III. F.1.i. The ownership of these signals must be determined since the Project proposes traffic signal timing changes at each of these intersections as indicated in DEIS Section III.F.3.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.23**

The Applicant will coordinate with the jurisdiction owning the traffic signals as required to implement the recommended traffic signal timing modifications.

**Comment III.F.24**

For the intersections of Lafayette Avenue (NYS Route 59) and Campbell Avenue/Hemion Road (CR 93) & Lafayette Avenue (NYS Route 59) & Airmont Road (CR 89) it is noted that "...HCM 6<sup>th</sup> Edition methodology does not support clustered intersections. In order to include the bus pre-emption in the analysis, the intersection was modeled as a clustered intersection with a separate signalized intersection for the bus pre-emption. Therefore, Synchro methodology was used to obtain the levels of service, delays, and queues." While we agree with this methodology, it should be confirmed if NYSDOT was consulted prior to performing this analysis as required by Scope Item III.F.1.k.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.24**

NYSDOT and NPV confirmed the analyses of these two intersections using Synchro methodology is acceptable.

**Comment III.F.25**

The traffic study assumes just 10% of passenger car traffic to and from I-287 via the Exit 14B interchange. This seems to be an excessively low assumption. Further support for this assumption should be provided or a sensitivity analysis with a higher portion of passenger car traffic to and from I-287 be conducted. Based on a review of the existing traffic volumes and knowledge of existing travel patterns in the area we would estimate a minimum of 15-20% of the site generated traffic to and from each direction along I-287.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.25**

The passenger vehicle trip distribution has been revised to route 20% of traffic to/from each direction along I-287.

**Comment III.F.26**

It is also noted that 5% of the passenger car traffic will be to and from N. Debaun Ave. Further support for this assumption should be provided. N. Debaun Avenue only serves a hotel and a senior living facility and we would not anticipate that it would accommodate any significant traffic to and from the Project.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.26**

Passenger vehicle traffic originating from North Debaun Avenue has been removed from the trip distribution.

**Comment III.F.27**

The TIS indicates on Page 26, "Regulatory signage and pavement markings will be provided to direct trucks to turn right onto Hemion Road. Further, drivers will be informed of the necessary restriction associated with travel to/from the site." This statement should also be included in the DEIS Section III.F. This proposed signage and striping should also be mentioned in the TIS Findings and Conclusions on Page 67 and included as part of the mitigation measures identified in DEIS Section III.F.3.(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.27**

The DEIS is incorporated herein by reference. The FEIS has been prepared to include the requested information. See FEIS Appendix G for the updated Traffic Impact Study.

**Comment III.F.28**

A separate analysis was conducted considering a potential access scenario with no access to Old Mill Road and all vehicles entering and exiting the existing southerly site driveway location. The analysis

results do not significantly change under this scenario, however, as noted previously the intersection should be reviewed in consultation with the RCHD for the potential need for a left turn lane along Hemion Road.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.28***

Improvements are no longer proposed to the southern access driveway.

***Comment III.F.29***

A separate analysis was conducted utilizing potentially higher traffic generation estimates in accordance with ITE Land Use Code 130 - Industrial Park. Based on this analysis additional mitigation measures were identified that may be necessary if the Project generates traffic volumes closure to Land Use 130. These additional mitigation measures include:

- › Roadway widening and the construction of additional eastbound and southbound left turn lanes at the intersection of Lafayette Avenue (NYS Route 59) & Hemion Road (CR 93).
- › Roadway widening, the construction of a dedicated westbound left turn lane, and signalization of the intersection Hemion Road (CR 93)/Ryan Mansion Drive & Montebello Road (CR 64).
- › Signalization of the site driveway (assumed to be the existing southerly access to Hemion Road, but this should be clarified).

A Post Construction Monitoring study should be conducted by the Applicant, to be completed after occupancy of the proposed development to confirm the assumptions of the TIS. This study should specifically review the traffic generation of the Project after occupancy along with an analysis of the three intersections where the potential for additional improvements has been identified to assess the need for further improvements based on actual traffic generation of the Project. If traffic generation is found to be higher than anticipated in the TIS and further improvements warranted, the improvements would be completed at that time by the Applicant. Appropriate bonding for the Post Construction Monitoring study and potential improvements could be provided by the Applicant for these potential improvements as well to ensure the completion of the study and potential improvements.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.29***

Comment noted.

***Comment III.F.30***

The eastbound left turn lane at Airmont Road is significantly over capacity under existing conditions, accommodating over 400 vehicles during each peak hour. This level of volume warrants consideration of a double left turn lane on NYS Route 59 turning onto Airmont Road prior to any

additional traffic added by the proposed Project. As noted previously, significant queues are experienced on this eastbound left turn movement. These will be exacerbated by the Project generated traffic.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.30***

Refer to Response III.F.16. Conceptual Improvement Plans have been provided to mitigate the impacts. Additional timing mitigations have been proposed within the Traffic Impact Study.

***Comment III.F.31***

Considering the proximity to the CSX Rail Line that borders the subject property to the south, has there been any consideration of constructing a rail siding into the property? This could be implemented in an effort to potentially reduce the number of truck trips to and from the Project depending on the ultimate uses.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.31***

As stated in DEIS Section IV.G, "Assuming an agreement could be established to permit direct freight rail transport from the Project Site via CSX Rail, the Elevation Profiles demonstrate that the topography and significant grade changes between the adjacent CSX Rail Line and the Project Site render this alternative infeasible."

***Comment III.F.32***

There is no discussion of construction related jobs and the anticipated traffic generated by workers to and from the Project in this section of the DEIS or the Construction Traffic Impact Letter Report Contained in DEIS Appendix E4. The DEIS Section I - Executive Summary indicates, "Approximately 643 jobs would be supported by construction of a two-year period." Information should be provided on the maximum number of construction workers anticipated to be onsite at any one time.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.32***

The traffic generated by construction activities will be less than the peak hour traffic generated by the proposed development. The Construction Traffic Impact Letter Report has been included in this FEIS (Appendix G4). Traffic signal timing adjustments will be evaluated as needed to mitigate construction related impacts as most construction activities typically occur during off peak hours. The TIS has been revised.

***Comment III.F.33***

Traffic related impacts associated with construction worker traffic should be assessed. It is likely that construction workers arriving to the site in the morning will not coincide with the peak hour of traffic as they typically will arrive prior to or around 7AM. However, the DEIS notes that planned constructions hours are 7 AM to 3:30 PM, which would indicate that construction workers leaving the

site will coincide with the Weekday PM peak hour of traffic on the surrounding area roadways, which was identified as 3:15 to 4:15 PM in the TIS.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.33***

Refer to Response III.F.32. The TIS has been revised.

***Comment III.F.34***

DEIS Section III.N - Traffic indicates, "During the construction of Proposed Project, 300,000 cubic yards of fill will be imported." The Construction Traffic Letter Report indicates "During the construction of The Project, there is anticipated to be 300,000 cubic yards (CY) of imported fill per day." Is the 300,000 CY number a total during construction or a per day number?

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.34***

A total of 300,000 cubic yards of fill will be imported.

***Comment III.F.35***

The studies indicate, "Based on construction estimates, this will require 100 trucks a day, which are assumed to arrive to the site spread throughout the ten-hour workday, which equates to an average of 10 trucks per hour." How was the number of 100 trucks per day determined? What size truck is assumed to be used for fill material import? What is the 10-hour workday referring to? As noted previously the planned construction hours are 7 AM to 3:30 PM which is an 8 ½ hour workday. What is the total estimate duration of fill import, i.e., how many days, weeks?

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

***Response III.F.35***

The estimate of 100 trucks per day was prepared assuming a 10-hour work day and import would be done utilizing a standard tri-axle dump truck. With the work hours limited to 8.5 hours per day, the number of trucks would be adjusted accordingly. Given the travel time to import locations as well as the ability to spread the fill as it arrives, an estimate of 10 trucks per hour was developed through consultation with the construction managers. The Applicant is working with the Town and Village to advance the import schedule during the summer months so as to limit impacts during the school year.

***Comment III.F.36***

What are the anticipated trips for export of materials associated with demolition of the existing building? How does this compare to the estimates of fill material import truck trips?

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.36**

Demolition of the existing building has been completed. Therefore, this comment is no longer applicable.

**Comment III.F.37**

The studies indicate, "The traffic signal timing modifications recommended as part of the development proposal would mitigate any resulting impacts from construction related traffic." Are these signal timing modifications therefore proposed to be implemented prior to construction? If so, they should be identified in Section III.N.3 - Mitigation Measures.

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.37**

The timing modifications are not proposed to be implemented prior to construction. The TIS has been revised.

**Comment III.F.38**

The TIS indicates modifications to the radius on the northeast corner of the NYS Route 59/Hemion Road intersection and on the northwest corner of the NYS Route 59/Airmont Road intersection to facilitate tractor trailer turning maneuvers. Are these modifications required to be implemented prior to the start of construction to accommodate construction truck traffic?

(Correspondence #3, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/21/23)

**Response III.F.38**

Given a majority of trucks traveling to/from the site will be dump trucks, the required modifications will not be required to accommodate construction traffic.

**Comment III.F.39**

Considering the issue with 18 wheelers that Mayor Millman raised, NYS Department of Transportation has done stellar work in the region. In Harriman they rebuilt a highly effective intersection with cross over traffic. In Sloatsburg they created traffic calming without traffic jams.

The intersection at Airmont and Route 59 has been a mess for a long time. If your project could lead to that intersection being reworked by NYS DOT, it would be a boon to everyone for the region.

(Correspondence #4, Email Patsy Wooters, dated 5/1/23)

**Response III.F.39**

Intersection improvements are proposed as part of the development proposal to the NYS Route 59 intersection with Airmont Road which will result in a reduction in the overall intersection delay when compared to the No Build conditions. The improvements will decrease the overall intersection delay by 16 seconds in the weekday morning peak hour and 14 seconds in the weekday evening peak hour.

**Comment III.F.40**

As part of their presentation at the April 26th Planning Board Public Hearing, the Applicant indicated that no mitigation is proposed within the Village of Montebello. This statement is unclear or misleading. The whole of Hemion Road falls within the Village of Montebello. While Hemion Road is a County roadway, improvements are proposed along Hemion Road including the extension of the left turn lane on Hemion Road southbound at Route 59 and potential installation of an all-way stop at the intersection of Hemion Road & Montebello Road. These improvements would be within the Village of Montebello. Similarly, any modifications to signal timings at the I-287 Ramp intersections with Airmont Road would also fall within the Village of Montebello, although again these signals are not under the jurisdiction of the Village of Montebello. Lastly, any proposed improvements along Old Mill Road or the southerly driveway may also fall within the Village of Montebello. The Applicant should clarify what improvements are proposed as part of the Project and whose jurisdiction they fall under?

(Correspondence #5, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 5/2/23)

**Response III.F.40**

The previously proposed improvements to the southern driveway have been eliminated. Additional improvements within the Village of Montebello include the extension of the southbound Hemion Road left turn lane at the intersection of Route 59, the installation of an All-Way Stop at the Hemion Road intersection with Montebello Road and the implementation of revised traffic signal timings at the Airmont Road intersection with the I-87/I-287 ramps. The proposed mitigation at off-site intersections is detailed within the Traffic Impact Study.

**Comment III.F.41**

As part of their presentation at the Public Hearing the Applicant indicated that the primary truck access to the Site will be via Old Mill Road. However, the traffic analysis contained in Appendix E of the DEIS does not reflect this statement. Figure No. 8 contained in Appendix A of the Traffic Impact Study (DEIS Appendix E) indicates that 60% of the truck traffic to and from the Project will utilize the southerly exit.

The traffic analysis assumes that the southerly access driveway will accommodate 60% of the truck traffic to and from the Project. The remaining 40% of truck traffic is assumed to utilize the Old Mill Road access from Hemion Road. If this is not anticipated, the traffic analysis must be revised to appropriately reflect the anticipated arrival and departure patterns of the truck traffic. Furthermore, if trucks are not anticipated to utilize the southerly access driveway, the Applicant must clarify what controls will be in place both internally and at Hemion Road to ensure this driveway will not be utilized by trucks. Given the location of Buildings 2 and 3 on the site, it seems unlikely that they would not want to utilize the southerly access driveway for trucks. However, if it is planned for all trucks to utilize the Old Hill Road access, the Applicant should also provide a Vehicular Circulation Plan showing how the trucks will access Buildings 2 and 3 from Old Hill Road and that all required WB-67 design vehicle truck turns can be accommodated within the site.

(Correspondence #5, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 5/2/23)

**Response III.F.41**

Truck access to the site will be via Old Mill Road and the previously contemplated improvements to the southern access have been eliminated. The TIS has been updated to reflect 100% of the truck access being to/from Old Mill Road.

A detailed on-site signage and striping package will be proposed as part of the Site Plan submission to direct trucks to use Old Mill Road. In addition, restrictive signage will be proposed along Hemion Road at the southern driveway to note trucks shall utilize Old Mill Road to access the facility.

**Comment III.F.42**

In addition to Item 2 above, we note that the Applicant indicated at the Public Hearing that the modifications to the southerly access driveway shown on Vehicular Circulation Plan, Sheet No. 1 of 3 (contained in DEIS Appendix E2) are not proposed to be implemented as part of the Project and that these were only considered as part of the alternate with no Project access to Old Mill Road. However, if trucks are planned to use the southerly access driveway from Hemion Road as noted in Item 2 above, the vehicle circulation path shown on the Sheet 1 of 3 plan indicates that modifications to the southerly access driveway are necessary to accommodate the WB-67 design vehicle. Specifically, widening of the internal intersection of the southerly access driveway at the internal circulation roadway is required.

In addition, it appears widening of the southerly access driveway at Hemion Road is also required to accommodate the left turn entry and right turn exit movements for the trucks at this intersection as shown in the excerpt below. This plan also shows widening of Hemion Road to provide a separate northbound left turn lane and a separate southbound right turn lane. The Applicant should further assess the need for these intersection modifications as previously noted in Comment No. 22 in our April 21, 2023 letter.

Lastly, the Vehicular Circulation Plan, Sheet No. 1 of 3 depicts widening of the entire length of the southerly access driveway, which we assume was proposed to accommodate the truck traffic along this roadway. The need for improvements to the entire length of this driveway should be clarified based on the anticipated access scenario.

(Correspondence #5, Letter from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 5/2/23)

**Response III.F.42**

Refer to Response III.F.41. The truck circulation plans show truck access exclusively from Old Mill Road.

**Comment III.F.43**

We had some questions about the distributions of traffic, especially to and from the thruway. They're only showing ten percent of their traffic to and from there. We think that is a low percentage and maybe that needs to be adjusted a little bit to know what the true impacts are.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.43**

Refer to Response III.F.25.

**Comment III.F.44**

We did question the build year that was utilized in the traffic analysis. They used a build year of 2024. That seems significantly aggressive, especially since they're showing 22 months construction timeframe at this point. Considering where we are in 2023, 2024 seems like an aggressive build year. So that may need to be adjusted and re-analyzed a little bit.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.44**

Refer to Response III.F.12.

**Comment III.F.45**

We do have significant concerns about the mitigation measures they're proposing at 59 Hemion and 59 Airmont Road are basically timing changes. There's some other modifications to the Hemion intersection to increase storage length. The timing changes, we have significant concerns about whether or not those are realistic, whether they can be implemented. We really think DOT input is necessary to know that these can be made, and that we haven't seen yet.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.45**

Refer to Response III.F.16. Additional timing mitigations have been proposed within the Traffic Impact Study.

**Comment III.F.46**

We continue to have concerns about the left turn from 59 onto Airmont Road. Everybody knows that is a queuing issue today. You're going to add more vehicles, more trucks to that left turn which this project. So that is something that, again, needs Department of Transportation input on.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.46**

Refer to Response III.F.16. Additional timing mitigations have been proposed within the Traffic Impact Study.

**Comment III.F.47**

Again, going back to the intersection of 59 and Hemion, they're proposing to extend the storage length of the left turn lanes there. We would like to see how they're going to accomplish that. They say it's going to be re-striping only. I'm not clear that it's just re-striping that gets that done. We would like to see a full plan in conceptual form that shows that.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.47**

Conceptual Improvement Plans have been provided showing the proposed improvements.

**Comment III.F.48**

I think, sight distances along Hemion Road for both the access points at Hemion need to be looked at. Those weren't addressed in the study. I think those are critical especially for trucks coming in and out of the site.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.48**

A sight distance analysis has been provided within the Traffic Impact Study and sight distance profiles will be provided as part of the Site Plan submission.

**Comment III.F.49**

The DEIS appendix does show a plan with truck-turning maneuvers for the southerly access driveway. It shows what appears to be significant improvements along that southerly access driveway and at the access driveway at Hemion Road. I don't see those mentioned anywhere in the study. I think the presentation tonight indicated that there are no improvements in the Village of Montebello, that although it's a County roadway on Hemion, it is within the Village, if they are improving that driveway, those would in the Village of Montebello.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.49**

Improvements are no longer proposed to the southern access driveway. Therefore, this comment is no longer applicable.

**Comment III.F.50**

One of the things we have done in the past and the State has done in the past is a post-monitoring study, that is done after occupancy of the development, to assess what the real traffic generation is after the project's been occupied. As part of that, you would assess specific items which they identified in the study that could need potential improvements after the fact that may need to be made. That could be something that is done here as part of any approvals, and I think it is warranted, especially with some of the things that they've identified in the study for that condition.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.50**

Comment noted. The applicant is amenable to providing a post-occupancy study after the development has been constructed and opened.

**Comment III.F.51**

We had made several other comments about the construction traffic analysis. They are saying they're going to bring in a lot of fill material to the project to make this work. There's some assumptions in there that we didn't see clearly identified, how they got to that analysis; we would like those clarified. There was no real discussion about construction-worker traffic. When you look at the timeframe of construction-work traffic coming in and out of the site, especially leaving the site, it's going to be pretty much coincident with the peak hour they identified for the P.M. peak hour, which is 3:15 to 4:15. So we think that we may need additional analysis there that needs to be looked at to make sure that there's no impacts from that end of things. We understand that it's temporary, but maybe the timing changes that they're recommending, if they can be implemented, can be done before the construction starts in full order.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.51**

As previously noted, the traffic generated by construction activities will be less than the peak hour traffic generated by the proposed development. Traffic signal timing adjustments will be evaluated as needed to mitigate construction related impacts as most construction activities typically occur during off peak hours.

**Comment III.F.52**

Lastly, I would just mention that if there are improvements along that southerly access route on Hemion, we wouldn't expect that they would have to come to the Village of Montebello Planning Board for those improvements. So at some point in the future we may have, further review upon that portion of the Project.

(Village of Suffern Planning Board Public Hearing, Comment from Richard D'Andrea, P.E., PTOE, Assistant Department Manager, Colliers Engineering & Design CT, P.C., dated 4/26/23)

**Response III.F.52**

Refer to Response III.F.40.

**Comment III.F.53**

The main concern of Montebello since day one is the traffic, the anticipation of 18-wheelers. And it's not just the anticipation of originally going through Montebello but the anticipation of going on a county road, to a state road, to another state road, to parts of the Town of Ramapo and Airmont, where I've lived in my village for over 26 years. And all the improvements that have been said to occur to Airmont Road haven't really occurred, and everybody's really aware of that. I think the biggest improvement was they added soft-noise controls over by the railroad tracks, so that would lessen the sound. We know that this is a major project and that it is good for the Village of Suffern, Town of Ramapo, Village of Montebello, the County, and everybody else involved. There will be anticipated, we were told and I don't know if it's an exact number, 1,500 cars of employees, not coming at the same time, but coming into the area. In reviewing with our traffic consultant we are still extremely concerned about Hemion Road and Montebello Road, Hemion Road and Route 59, Route 59 and Airmont, the thruway exists, the potential cars that it's our understanding, and I think the applicant has agreed and the County has agreed, in theory, that trucks would be right-turn only, so there won't be any left turns going into Montebello onto roads that cannot hold those sized

trucks. But there still could be hundreds of employees coming through the Montebello area, passing the middle school that involves the students of Suffern, Montebello, Town of Ramapo, Airmont, all the areas. And the buses are coming all throughout different parts of the day. There is one part where, in theory, and I understand that from a logistics engineering point of view, the Hemion Road and Montebello Road, with an all-way stop, sounds nice in theory, but you have a road that's coming up hills from a winding road, in front of a middle school, across from another complex, that it would be almost impossible to do anything like that. And the widening of the road with the thruway overpass over there is not something that should ever be considered.

(Village of Suffern Planning Board Public Hearing, Comment from Lance Millman, Mayor of Montebello, dated 4/26/23)

***Response III.F.53***

A detailed Traffic Impact Study has been prepared, submitted and revised based on various agency comments. The intersections along Montebello Road have been analyzed and mitigation proposed accordingly.

***Comment III.F.54***

We've had some concerns that they spoke about making, I think it is called the storage part of the road on Hemion Road, you know, for the left turns. There's Indian Rock Shopping Center there, and there's the Indian Rock community of housing that's there. If that is extended backwards, and the 18-wheelers are going to be sitting there until they can make the turn, the visibility out of the Indian Rock Shopping Center is going to be hindered. And I don't even know if it's going to go as far back as the Indian Rock Shopping Center; that's why our engineer is asking for expanding views of the plan in doing this. Hemion Road to Route 59 is a main road that leads across the street to Good Sam Hospital, where emergency vehicles may need to come through. The last thing we need is the potential of having 18-wheelers blocking the way, and having to go around.

(Village of Suffern Planning Board Public Hearing, Comment from Lance Millman, Mayor of Montebello, dated 4/26/23)

***Response III.F.54***

Refer to Response III.F.15. Additional timing mitigations have been proposed within the Traffic Impact Study.

***Comment III.F.55***

I actually had a resident of Suffern who I know called me the other day, said, "I saw 18-wheelers turning from Hemion onto Route 59 and they couldn't make the turn. And everybody knows they're going to have to do something with the turn radius. They had to go up on the sidewalk to make the turn." Well, that's not acceptable to anybody.

(Village of Suffern Planning Board Public Hearing, Comment from Lance Millman, Mayor of Montebello, dated 4/26/23)

***Response III.F.55***

Refer to Response III.F.15. Additional timing mitigations have been proposed within the Traffic Impact Study.

***Comment III.F.56***

The changing of the timing of the lights, never going to do it. I mean, it won't change anything. If you were coming on Route 59 to Airmont Road during parts of the day, it's 50 cars backed up already. So we'll add a lane with a couple of 18-wheelers or something?

(Village of Suffern Planning Board Public Hearing, Comment from Lance Millman,  
Mayor of Montebello, dated 4/26/23)

***Response III.F.56***

Refer to Response III.F.16. Additional timing mitigations have been proposed within the Traffic Impact Study.

***Comment III.F.57***

Last thing I have to say is that they're going to have to take over, if they're going to widen part of the road, take over parts of businesses and properties not only by us, Hemion and 59, but Airmont Road with Airmont, the Town of Ramapo.

(Village of Suffern Planning Board Public Hearing, Comment from Lance Millman,  
Mayor of Montebello, dated 4/26/23)

***Response III.F.57***

Refer to Response III.F.16. Additional timing mitigations have been proposed within the Traffic Impact Study.

***Comment III.F.58***

NYSDOT will need to be provided with the conceptual plans for the proposed mitigations at our intersections. Please included the location of the Highway Boundary in all sketches.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

***Response III.F.58***

Conceptual Improvement Plans have been provided in the FEIS and will be reviewed by NYSDOT.

***Comment III.F.59***

Please be aware when designing Route 59 that it is designated a future bike route and should be designed based on Chapter 2 of the NYSDOT Highway Design Manual.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

***Response III.F.59***

Comment noted.

**Comment III.F.60**

With the turning counts and queuing at the intersection of Route 59/Airmont Road a double left turn lane should be reviewed for the eastbound traffic on Route 59.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

**Response III.F.60**

The intersection of Route 59 and Airmont Road was evaluated to reconfigure the eastbound approach to provide double left turn lanes. The reconfiguration of the eastbound approach will result in a significant reduction in vehicle queuing when compared to No Build conditions. A conceptual improvement plans has been prepared depicting the improvements.

**Comment III.F.61**

Included truck turning diagrams for the intersections where trucks will make a turning movement.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

**Response III.F.61**

Conceptual Improvement Plans have been provided in the FEIS.

**Comment III.F.62**

What is the proposed signal timing changes at the NYSDOT intersections. Please provided a written explanation for the proposed changes at each intersection.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

**Response III.F.62**

The Traffic Impact Study in the Appendices of the FEIS has been revised to clarify the proposed signal timing adjustments. Specifically, it is proposed to reallocate 3 seconds from the southbound lead left turn phase to the northbound-southbound ROW phase during the weekday morning peak hour and to reallocate 6 seconds from the southbound lead left turn phase during the weekday evening peak hour, with 4 seconds dedicated to the northbound-southbound ROW phase and 2 seconds to the eastbound ROW phase at the Airmont Road and I-87 SB/I-287 EB ramp intersection. It is proposed to reallocate 2 seconds from the southbound ROW phase to the northbound lead left turn phase during the weekday morning peak hour and to reallocate 3 seconds from the westbound ROW phase during the weekday evening peak hour, with 1 second dedicated to the northbound lead left turn phase and 2 seconds to the southbound ROW phase at the Airmont Road and I-87 NB/I-287 WB ramp intersection.

***Comment III.F.63***

Reviewing Table VI Proposed Trip Generations the trips proposed for building 1 use the fitted curve. Based on ITE Trip Generation Web based app the average rate trips is higher than the fitted curve and the NYSDOT recommends the change it trips.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

***Response III.F.63***

The trip generation calculations have been updated accordingly.

***Comment III.F.64***

Based on the ITE trips generation for trucks for warehousing the PM trucks trips are 37 trips.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

***Response III.F.64***

The trip generation calculations have been updated accordingly.

***Comment III.F.65***

How was the 27-29% Saturday trip generation determine for the project as ITE does not have extensive studies for warehousing projects.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

***Response III.F.65***

The trip generation calculations were prepared based on data published by ITE that has been collected at various warehouse facilities.

***Comment III.F.66***

Based on the proposed mitigations and work within the ROW, NYSDOT would like an analysis of build plus 10 years for the updated traffic study.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

***Response III.F.66***

The FEIS has been prepared to include the requested analysis.

***Comment III.F.67***

Route 59 posted speed limit is 40mph not 30mph as stated in the traffic impact study.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

***Response III.F.67***

The speed limit on Route 59 has been revised to reflect 40 mph.

***Comment III.F.68***

With the traffic study reviewing Montebello Road /N Airmont Road and WB I-287 on/off Ramp/N Airmont Road the NYSDOT ask that the study included signal R-885 PS at Executive Blvd/N Airmont Road.

Correspondence #6, Letter from Jason Brenner, Assistant Engineer,  
New York State Department of Transportation, dated 5/5/23

***Response III.F.68***

The Traffic Impact Study has been prepared to include the requested intersection.

***Comment III.F.69***

With the Proposed Project projected to generate 217 trips during the weekday morning peak hour, 226 trips during the weekday evening hour, and 61 trips during the Saturday peak hour, it is hard to understand the DEIS conclusion that there will not be a significant adverse impact on the level of service on the existing roadways.

The Village and other involved and interested agencies must be satisfied that with the implementation of the proposed traffic mitigation measures, the construction of the Proposed Project would not result in any significant degradation in the operating conditions of the surrounding street system of the local municipalities, Rockland County, and NYSDOT, and therefore the findings of the DEIS that there are no significant adverse traffic impacts of the Proposed Project are acceptable.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner,  
Rockland County Department of Planning, dated 5/8/23)

***Response III.F.69***

The FEIS has provided a detailed traffic analysis of both the opening year and Design Horizon year traffic impacts during the critical weekday morning and evening peak hours. The analysis includes additional traffic volumes associated with 9 developments located in the vicinity of the site and represents a comprehensive analysis of future traffic conditions at 15 intersections surrounding the subject property. Appropriate mitigation efforts have been identified at various off-site intersections to limit resulting impacts on the adjacent roadway network. Additional timing mitigations have been proposed within the TIS.

**Comment III.F.70**

According to the DEIS (III.F.35) there are a total of 230 parking spaces required for the three (3) buildings that are proposed yet the Proposed Project would provide almost three times as many parking spaces 661. Similarly, the local ordinance requires a total of 121 loading spaces for the Proposed Project, yet 194 are proposed. With potential impacts to habitat, wetlands and the 100-year floodplain, and explanation should be provided as to why almost three times as many parking spaces and 60 percent more loading spaces are being proposed than are required. Justification needs to be provided as to why such a massive parking layout is required. Reduction of impervious surface should be considered.

Also, County Planning notes that in the General Municipal Law 239 site plan referral that this department received on March 4, 2022, Site Plan dated 12/17/2021, there were a total of 234 loading bays proposed. Building 1 had 186 loading bays, Building 2 had 27 loading bays, and Building 3 had 21 loading bays. The DEIS has Building 1 with 158 lading bays, Building 2 with 25 loading bays and Building 3 with 11 loading bays. The current Site Plan on the Suffern Planning Board web site dated 08/30/2022. The amended site plan will need to be referred to County Planning for review Under GML 239.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

**Response III.F.70**

Comment noted. The additional parking is required due to the potential for overlapping shifts for the ultimate end user for the warehouse facilities. Further, based on data published by the ITE in the 5<sup>th</sup> Edition of Parking Generation, LUC 150 has an average peak parking demand of approximately 500 vehicles and an average parking supply of approximately 735 spaces. Therefore, the proposed parking supply is consistent with industry standards.

**Comment III.F.71**

The Institute of Transportation Engineers (ITE) publication – Trip Generation, 11th Edition was used to determine trip generation projections. Consistent with ITE, they have used 13% trucks in the AM and 15% in the PM. The truck percentages seem low for a warehouse facility that has just under 200 truck bays and over 200 trailer stalls. If these 3 warehouses are utilized to their maximum capacity, it seems that the percent of trucks could be higher than the 13% and 15%. Please review the applicability or address potential capacity issues.

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager, New York State Thruway Authority, dated 5/9/23

**Response III.F.71**

The trip generation calculations were prepared based on data published by ITE that has been collected at various warehouse facilities. The number of bays provides added flexibility and efficiency to the loading operations by not requiring trucks to queue on site waiting for a loading bay to become available and does not require the immediate loading or unloading of a trailer upon arrival.

**Comment III.F.72**

Within the proposed “build” analysis, increased traffic volumes seem to be equally distributed at all intersections. But under the trip generation section, it specifies the traffic patterns for employee automobile traffic to/from the Thruway via Lafayette Ave (NY59); and trucks were routed to/from Thruway and NY 17 along designated truck routes. Does this mean there are no potential trips being routed via Montebello and Hemion? If this is the case, why is there such an increase in traffic along this road and why is there a need to propose mitigation to any intersection outside of the N. Airmont, NY 59, and Hemion corridor?

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.72**

Additional discussion regarding the trip assignments is included on Page 30 of the Traffic Impact Study in the Appendices of the FEIS.

**Comment III.F.73**

Many of the intersections are already at a LOS of E and F, the proposed traffic generated will make these intersections worse. Making small changes to the timing of the signals can help but will not fix the overcapacity of the intersections during the peak times. Timing changes could cause longer queues in other directions, or other traffic issues along the corridor (i.e., increase in rear end crashes, or more aggressive maneuvers to get through the signal) – please review and address.

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.73**

The FEIS has provided a detailed traffic analysis of both the opening year and Design Horizon year traffic impacts during the critical weekday morning and evening peak hours. The analysis includes additional traffic volumes associated with 9 developments located in the vicinity of the site and represents a comprehensive analysis of future traffic conditions at 15 intersections surrounding the subject property. Appropriate mitigation efforts, which include both traffic signal timing mitigation and physical intersection improvements, have been identified at various off-site intersections to limit resulting impacts on the adjacent roadway network. Of note, the vehicle queue for eastbound left turn movement at the Route 59 intersection with Airmont Road would be reduced by approximately 50% over the No Build conditions with the consideration of the proposed development. Additional timing mitigations have been proposed within the Traffic Impact Study.

**Comment III.F.74**

On Page III.F.6, the 2nd paragraph states that the COVID factor used was 1.12 for AM and 1.22 for PM. However, this is not consistent with what is in the TIS (Appendix E) on page 12 where it shown in Table I and stated that the adjustment factor of 1.14 was applied to both AM and PM.

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.74**

Refer to Response III.F.8.

**Comment III.F.75**

There is no information in the TIS regarding calibration of the simulation model created for existing conditions. Did the simulation model represent the existing LOS and queue lengths based on field data that was collected for the peak AM and PM hours? Should a calibration report be included in the TIS?

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.75**

As noted in the TIS, the Synchro model was calibrated based upon field reviews of the existing signal operations. A calibration report has been provided within the TIS.

**Comment III.F.76**

5.2.3.6 of the NYSDOT Highway Design Manual states that Synchro will "underestimate" queues in oversaturated conditions. Was this considered in using Synchro for this analysis?

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.76**

As noted above, the Synchro model was calibrated based upon field reviews of the existing signal operations. A calibration report has been provided within the TIS.

**Comment III.F.77**

Two tables of site generated trip assignments are included in Appendix E - LUC 150 and LUC 130. The number of trips in the two figures are different. Only the LUC 150 is discussed in the main report. Any reason why the LUC 130 wasn't included in the DEIS report, but is in Appendix E?

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.77**

The trip generation for LUC 130 was prepared as DEIS Alternative H.

***Comment III.F.78***

Was the railroad crossing signal on N. Airmont Rd. factored into any of the analysis? How often do trains cross here? What is the average delay? Assuming there is a preemption included in the signal at the Thruway SB/EB ramp intersection with Airmont Ave. Just curious on how the railroad crossing factors into the LOS and queue for that signal (both existing and proposed generated traffic).

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

***Response III.F.78***

Refer to Response III.F.3.

***Comment III.F.79***

Is it anticipated that trucks will be arriving and departing at the warehouse facilities during AM and PM peak hours? Has any consideration been given to restricting the time frames that trucks would arrive and depart based on off-peak volume times?

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

***Response III.F.79***

It is anticipated the trucks will arrive and depart the warehouse facilities during the AM and PM peak hours.

***Comment III.F.80***

In addition to time specific truck arrivals and departures, has any consideration been given to "shift" work for the employees? With the Middle and Elementary Schools to the north, it would be ideal to schedule shift changes outside of the school arrival and dismissal times. It is hard to estimate traffic volumes without knowing exactly what business(es) will be utilizing the warehouses.

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

***Response III.F.80***

Comment noted.

***Comment III.F.81***

The proposed site generated trip assignments should be included in the main report so readers can easily find where site generated trips are distributed, such as how many site generated trucks/cars will use Thruway ramps, etc.

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.81**

Additional discussion regarding the trip assignments is included on Page 30 of the Traffic Impact Study in the Appendices of the FEIS.

**Comment III.F.82**

Two figures of site generated trip assignments are included in Appendix E and the number of trips in the two figures are different. But only one trip generation method is discussed in the main report. Please address/provide explanation.

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.82**

As noted above, the FEIS has been prepared to include the requested trip distribution discussion in the text of the Traffic Impact Study.

**Comment III.F.83**

Each figure should has a clear title/name, proper to the content of the figure. For example, the same title of "Total Site Generated Trips" is used in Figure 10 and Figure 15 in Appendix E. But the number of trips showed in the figures are different and the two figures are actually for two different trip generation methods.

Correspondence #9, Email from Laura Ripley P.E, Capital Program Manager,  
New York State Thruway Authority, dated 5/9/23

**Response III.F.83**

The FEIS has been prepared to clarify the figure titles.

**Comment III.F.84**

The overall study methodology followed standard traffic engineering practice.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.84**

Comment acknowledged.

**Comment III.F.85**

The seasonal adjustment factor of 1.112 applied to the July 27, 2022, count conducted at the intersection of Airmont Road (CR 89) at Montebello Road (CR64)/Rella Boulevard to account for seasonal traffic fluctuation is appropriate.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.85**

Comment acknowledged.

**Comment III.F.86**

The COVID -19 traffic adjustment factors (1.12 and 1.22 for AM and PM peak hours) contained in Section III.F (Traffic and Transportation) of the DEIS prepared by VHB is not consistent with the COVID-19 adjustment factor of 1.14 applied to the 2022 traffic count volumes in the Traffic Impact Study prepared by Dynamic Traffic. The writeup in Section III.F should be corrected.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.86**

Comment acknowledged.

**Comment III.F.87**

The crash analysis in the study notes that the highest number of crashes in the study area occurred at the intersections in the immediate vicinity of the project site (Lafayette Avenue at Hemion Road, Lafayette Avenue at Airmont Road and Lafayette Avenue at North DeBaun Avenue), where the project would have the greatest impact if developed. These locations also demonstrated a very high rate of crashes as compared to the statewide averages. The study report does not provide any discussion on the potential safety impact of the project on these intersections and proposed corrective measures. Insofar as the proposed project significantly increases traffic volumes at these locations, this should be corrected.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.87**

Refer to Response III.F.10. The crash analysis has been updated to propose signage countermeasures at the intersections of Route 59 & Hemion Road and Route 59 & Airmont Road. Further, the change to protected only phasing for the southbound left turn movement at Hemion Road and the eastbound left turn movement at Route 59 & Airmont Road is anticipated to result in a decrease in crashes for these movements.

**Comment III.F.88**

The Existing Queue Analyses section of the traffic study indicates that "Queue Length conditions at the study intersections were analyzed under the existing conditions. Queueing conditions were observed by our traffic on Thursday, May 26th and Thursday, December 18th, 2022. The synchro model was calibrated based upon the field observations." Detailed information on the field observed queues, the synchro queue predictions and any adjustment made to calibrate the synchro models to reflect field conditions should be provided. The Synchro model for the existing condition needs to be calibrated to demonstrate that the model is appropriately representing prevailing conditions. The calibration and validation process are intended to identify discrepancies between the software results and the conditions observed in the field to ensure that the analyses result reasonably reflect existing conditions and can therefore be relied upon to represent future conditions, and to estimate impacts due to the additional traffic generated by development proposed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.88**

The Synchro model has been calibrated based on field observations. A calibration report has been provided within the TIS.

**Comment III.F.89**

The Traffic Impact Study assumes a build year of 2024. Given the lengthy approval and construction process associated with a development of this size, it is not certain that this project will be built and fully occupied by 2024. To account for the uncertainty of full completion of the project by 2024, a more realistic build year considering a realistic construction schedule and approval process should be provided and analyzed. At a minimum an alternative analysis with mitigations for a more realistic build year should be conducted.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.89**

Refer to Response III.F.12.

**Comment III.F.90**

It is stated in the TIS that "Per initial correspondence with NYSDOT and NYSTA, an ETC +10 or ETC +20 analysis was not required for any proposed intersection modifications identified in the initial Traffic Study". Please provide correspondence to this effect.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.90**

Refer to Response III.F.66.

**Comment III.F.91**

As stated in the traffic report, traffic anticipated to be generated by the proposed development was determined from data contained in the ITE publication, Trip Generation, 11th Edition, for warehousing (Land use Code 150). The trip generation source used is acceptable, however, the trips were estimated using the peak hour of the adjacent street. The peak hour of the Generator could have yielded more traffic, especially truck traffic as compared to the estimated trips from the peak hour of the adjacent street. It should also be noted that trip ends calculated from the Average Rate could have yielded more trips than those from the Fitted Curve utilized in the Traffic Study. Please provide a justification for the methodology used in estimating the trips and update the study to show the effect of using the most conservative trip generation numbers to determine the differences between the two analyses.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.91**

Based on previous comments from NYSDOT, the trip generation was updated to utilize the average rates for LUC 150 in lieu of the equations, which added additional trips to the site generated traffic and provides a conservative analysis based on ITE procedures.

**Comment III.F.92**

From the review of the automobile percent distribution (Figure 6), a vast majority of the traffic is coming from Airmont Road north of Rella Boulevard, no trips generated from South Airmont Road north of Madison Hill Road, only 5% from NYS Route 59 east of N Airmont Road, only 5% each from I-87 NB/I-287 EB and WB Off-Ramps but yet 5% of the traffic is generated from N DeBuan Avenue east of North Airmont Road. Please provide a justification for this distribution or revise the traffic analyses with a more realistic trip distribution.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.92**

Refer to Response III.F.25 and Response III.F.72.

**Comment III.F.93**

Use of the Synchro Software that is based on the methodologies of the Highway Capacity Manual (HCM) is acceptable. From the review of the synchro analyses worksheets, it appears that the analyses were conducted correctly, however, the accuracy of the heavy vehicle percentages and peak hour factors used in the analyses cannot be verified from the traffic data provided. Please provide the heavy vehicles percentage and peak hour factor calculation for our review. Further, to what extent is the project introducing significant heavy vehicle traffic which is not presently in the traffic stream?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.93**

Refer to Response III.F.21.

**Comment III.F.94**

The applicants' engineer conducted capacity analyses at the study intersections under the No Build and Build Conditions and provided mitigation where level of service degradations, significant increases in delay and or queue lengths extending beyond available storage were observed. From the review of the analyses:

- Some traffic movements at the intersection of Lafayette Avenue (NYS Route 59) at Campbell Avenue/Hemion Road experienced significant increase in delays and queues after the construction of the project. To mitigate these traffic impacts, the applicant proposed minor signal timing adjustments and to restripe the eastbound left turn lane to provide 300 FT of storage length and the southbound left turn lane to provide 300 FT of storage length at the intersection. However, it appears that the proposed mitigations did not fully mitigate the traffic impacts. With the proposed mitigation during the PM peak hour, the north bound left turn lane will degrade from LOS D to LOS E with an increase in delay of 24 seconds, the northbound through/right turn movement will degrade from LOS E to LOS F with an increase

in delay of 21 seconds and the southbound left turn will degrade from LOS D to LOS F with an increase in delay of 42 seconds. Hence the proposed improvement is not adequate to mitigate the impacts from the proposed project.

- Some traffic movements at the intersection of Lafayette Avenue (NYS Route 59) at Airmont Road (CR 89) experienced a significant increase in delay and queues after the construction of the project. To mitigate these traffic impacts, the applicant proposed minor signal timing adjustments. However, it appears that the proposed mitigation did not fully mitigate the traffic impacts. With the proposed mitigation during the PM peak hour, the north bound left turn lane will degrade from LOS D to LOS E with an increase in delay of 9 seconds and the northbound through/right turn movement will continue to operate at LOS E with an increase in delay of 13 seconds. Hence the proposed improvement is not adequate to mitigate the impacts from the proposed project.
- During the No Build Condition, the eastbound left turn lane at the intersection of Lafayette Avenue (NYS Route 59) at Airmont Road (CR 89) experience a queue length of 947 feet during the PM peak hour, 617 feet in excess of the available storage length of 330 feet. With the proposed mitigation at this intersection, the east bound left turn lane will experience a queue length of 1069 feet during the PM peak hour, which is in 122 feet in excess of the No Build queue length and 739 feet in excess of the available storage length. Queues exceeding the available storage length were also observed at the westbound right turn lane, northbound through/right turn lane and southbound left turn lane. Hence the proposed improvement is not adequate to mitigate the impacts from the proposed project.
- With the minor signal timing adjustments recommended at the intersection of Airmont Road (CR89) and 1-87NB/I-287 WB Ramps, the northbound left turn lane and the southbound right turn lane will experience queues in excess of the provided storage lengths. Hence proposed mitigation is not adequate.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.F.94***

The TIS has been updated to propose additional mitigation, including at the intersections of Lafayette Avenue (NYS Route 59) & Campbell Avenue/Hemion Road and Lafayette Road (NYS Route 59) & Airmont Road (CR 89), including roadway widening for additional lanes. The overall intersection levels of service are comparable to or less than No Build conditions. While it is understood that one or more movements may experience an increase in delay, the overall intersection level of service does not show an increase in degradation. Additional timing mitigations have been proposed within the TIS.

***Comment III.F.95***

Trip generation estimate for the Alternative Land Use Code was determined from data contained in the ITE publication, Trip Generation, 11th Edition, for Industrial Park (Land use Code 150). The trip generation source used is acceptable, however, the trips were estimated using the peak hour of the adjacent street. However, the peak hour of the Generator could have yielded more traffic, as compared to the estimated trips from the peak hour of the adjacent street. Please provide a justification for the methodology used in estimating the trips or update the study to reflect the most conservative trip generation numbers.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.95**

It is acknowledged that the peak hour of the generator could have yielded additional site generated trips. However, the study periods within the study reviewed the peak hour of the adjacent street traffic and therefore, the appropriate trip generation rates were utilized.

**Comment III.F.96**

Under the Alternative Land Use Code Analyses, Some traffic movements at the intersection of Lafayette Avenue (NYS Route 59) at Campbell Avenue/Hemion Road experienced significant increase in delay and queues. To mitigate these traffic impacts, the applicant proposed to widen the eastbound and southbound approaches to provide two dedicated left turn lanes at each approach and modify the radius on the northeast corner of the intersection to help facilitate westbound right turn movements for tractor trailers. However, it appears that the proposed mitigations did not fully mitigate the traffic impacts. With the proposed mitigation during the PM peak hour, the northbound left turn lane will degrade from LOS D to LOS E with an increase in delay of 22 seconds and the southbound left turn will degrade from LOS D to LOS E with an increase in delay of 19 seconds. Hence the proposed improvement is not adequate to mitigate the impacts from the proposed project.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.96**

As noted above, the overall intersection levels of service are comparable to or less than No Build conditions. Additional timing mitigations have been proposed within the TIS.

**Comment III.F.97**

With the minor signal timing adjustments recommended at the intersection of Lafayette Avenue (NYS Route 59) at Airmont Road (CR 89) under the Alternative Land Use Code analyses, the northbound left turn lane the northbound through/right turn lane and southbound left turn lane will experience delays in excess of 13 seconds and the queues on the eastbound left turn lane, the westbound right turn lane, the northbound through/right turn lane and the southbound left turn lane are in excess of the provided storage lengths. Hence proposed mitigation is not adequate.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.97**

Refer to previous comments/responses. Additional timing mitigations have been proposed within the TIS.

**Comment III.F.98**

With the minor signal timing adjustments recommended at the intersection of Airmont Road (CR89) and 1-87NB/I-287 WB Ramps, under the Alternative Land use Code analyses, the northbound left turn lane and the southbound right turn lane will experience queues in excess of the provided storage lengths. Hence proposed mitigation is not adequate.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.98**

Refer to previous comments/responses.

**Comment III.F.99**

It is stated in the Construction Traffic Impact letter report that "During the construction of The Project, there is anticipated to be 300,000 cubic yards (CY) of imported fill per day. Based on construction estimates, this will require 100 trucks a day". With these numbers, it can be deduced that a 3,000 cubic yard truck will be used to transport the fill. This seems to be inaccurate or unrealistic. Please review the numbers and update accordingly.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.99**

Refer to previous comments/responses.

**Comment III.F.100**

The Site Generated Construction Traffic only took into consideration the truck traffic transporting fill material to the site. Traffic generated by construction phase employees and delivery of other construction material should be considered in the analyses.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.100**

Refer to previous comments/responses.

**Comment III.F.101**

From the review of the construction levels of service and vehicle-to-capacity ratios tables, it can be seen that the eastbound left turn movement at the intersection of Lafayette Avenue (NYS Route 59) and Airmont Road (CR 89) and the northbound right turn movement at the intersection of Airmont Road (CR 89) and I-87 SB/I-287 EB Ramps will experience significant increases in delays during construction in the AM and PM peak hours. These impacts need to be addressed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.F.101**

The traffic generated by construction activities will be less than the peak hour traffic generated by the proposed development. Traffic signal timing adjustments will be evaluated as needed to mitigate construction related impacts as most construction activities typically occur during off peak hours.

**Comment III.F.102**

Please respond to the Colliers Engineering and Design comments on the proposed project in their letter to the Village of Suffern Planning Board dated April 21, 2023, as well as any agency traffic-related comments.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.F.102***

A detailed response to the Colliers Engineering & Design comments has been provided in Responses III.F.1 through III.F.42.

***Comment III.F.103***

At this time, the project has not mitigated intersection operations to an acceptable level of service- please analyze how the intersections would operate if Buildings 2 and 3 were not constructed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.F.103***

The development program includes three proposed buildings and the analyses have been prepared accordingly.

## III.G Noise

### ***Comment III.G.1***

The Village should be satisfied that the installation of two sound barriers to be constructed to the south of Buildings 2 and 3 will adequately address noise impacts of the Proposed Project and complies with Chapter 175 of the Village Code.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### ***Response III.G.1***

Comment noted.

### ***Comment III.G.2***

As a general comment, we find the responses to the DEIS completeness review lack support. The Scoping Document specifically states: "New measurements will be made during the weekday AM, weekday PM, Sunday peak periods, and monitoring protocol and method of evaluation will be reviewed and approved by the Planning Board prior to measuring ambient noise levels." No such coordination occurred. The noise analyses did not comply with the Scoping Document.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### ***Response III.G.2***

The Planning Board (Lead Agency), together with the Board's Planning Consultant, secured a third party acoustical consultant, Aurora Acoustical Consultants Inc. (AAC), to review the facility noise assessment prepared by the Applicant's acoustical consultant, Ostergaard Acoustical Associates (OAA). AAC's review of the study findings and their recommendations for the Applicant to provide further analysis and information to supplement the assessments, are detailed in Correspondence #11. OAA has reviewed the AAC report (Correspondence #11) and addressed comments and concerns raised by AAC in the revised acoustical analysis and report, which can be found in FEIS Appendix H. Please refer to comments and responses III.G.7 through III.G.20 for specific responses to AAC's review comments.

**Comment III.G.3**

Referring to “standard methodology”, without actually indicating what “standard methodology” has been used, is nonresponsive. For example: “It is noted that locations west of Location 1 would also be slightly closer to U.S. Route 59 and as a result, could result in sound levels somewhat higher than those measured at Location 1. For these reasons, the approach taken is considered standard acceptable methodology and conservative.” There may be many reasons why one receptor location is different from another – one could be more substantially blocked by an intervening structure, versus another location, which may result in higher noise levels. It is standard practice to model existing ambient noise levels at the sensitive receptors surrounding a project site. This was not done. We also note that construction is not occurring every day at the apartment complex site, and monitoring could have been done – our office is about one mile from the apartment site, and we regularly travel into the Suffern central business district seeing the progress of construction. We reject the representation that it was not possible to get reasonable ambient noise levels in this location.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.G.3**

Comments noted. Additional sound survey measurements are included in the revised and expanded Evaluation of Site Sound Emissions (FEIS Appendix H). Refer to Response to Comment III.G.2.

**Comment III.G.4**

We question whether the points selected for ambient sound analysis represent locations closest to sensitive receptors. Figure 1 of Appendix M shows one collection point for ambient sound at the southeastern boundary of the site, while sensitive receptors shown in Figures 3 and 4 are clustered to the southwestern boundary of the site. We would like additional measurements to include monitoring the southwestern boundary of the SBL 55.22-1-1 given the proximity to the senior apartments in that location and another multifamily building under construction.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.G.4**

Comments noted. Additional sound survey measurements are included in the revised and expanded Evaluation of Site Sound Emissions (FEIS Appendix H). Refer to Response to Comment III.G.2. response

**Comment III.G.5**

We question the assumption here, and in other noise analyses, that noise from a single truck is appropriate to model. There are three different buildings, each operating independently. The noise analysis appears to model 5 trucks operating at 1 million sf gfa of space. This needs to be supported.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.G.5**

While there will certainly be multiple trucks onsite at any given time, maximum sound from an individual truck are not cumulative. Several factors support this. Because maximum levels are dynamic and short in duration, it is unlikely that multiple truck sound level maximums will occur at

exactly the same time and location. In addition, safe practices restrict more than one truck from operating in proximity to each other in the same vicinity. Hence, off-site maximum sound levels will be driven by individual truck sources. In the unlikely event that two truck sources would contribute the same level in the same location at the exact same time, maximum emissions would only be 3 dB higher due to the logarithmic nature of sound pressure level addition.

***Comment III.G.6***

We question whether the scenario for truck noise in Figure 4 of the noise analysis represents a reasonable worst-case scenario as site operations remain unclear.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.G.6***

Hourly distribution of truck trips has been broken down by building and maximum A-weighted sound level contours five feet above grade expected for busiest dock operation times are provided in Figures 4 and 5 in the revised and expanded Evaluation of Site Sound Emissions (FEIS Appendix H). Refer to Response to Comment III.G.2.

***Comment III.G.7***

The warehouse facility noise assessment is recommended to be amended to include evaluations of total received sound levels from combined facility sound sources. The represented sources should include site traffic, distributed dock operations, building ventilation equipment, idling tractors, and other identified sources.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

***Response III.G.7***

OAA has provided these results in Table VII in the 17 July 2023 revised report (see FEIS Appendix H).

***Comment III.G.8***

The represented traffic volumes on each site entrance road and road segment around each building should include both trucks and other site vehicles. The traffic volumes, percentage mixes, and distributions should be determined referencing the traffic report's estimated hourly distribution volumes and turning lane projections for peak hours.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

***Response III.G.8***

The sound study has been updated to include both trucks and other vehicles. These results are shown in Table VI in the 17 July 2023 revised report (see FEIS Appendix H).

***Comment III.G.9***

The represented dock operations should be characterized to represent hourly operations including peak periods and nighttime periods relative to the hourly distribution volumes listed in the traffic report. The sources should represent expected the total hourly numbers of trucks backing up and pulling out from docks, engine startups, and idling tractors at docks and in parking lot locations.

Peak periods might be represented with sources at additional dock locations and parking lot locations.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

***Response III.G.9***

Two dock operation conditions were assessed and included in the 17 July 2023 report (see FEIS Appendix H). These include the busiest daytime period, which is from 11:00am to 12 noon, and the busiest nighttime period, which is from 6:00 to 7:00am. These values were applied to all corresponding day and night hours to be conservative.

The busiest nighttime period for dock operations is from 6:00 to 7:00am based on ITE Trip Generation Manual, 11<sup>th</sup> Edition (see table below). This is also consistent with the Applicant's industry knowledge and experiences at similar warehousing and logistics centers.

<b>Hourly Distribution of Truck Trips by Land Use</b>		
Source: ITE <i>Trip Generation Manual</i> , 11th Edition		
Land Use Code	150	
Land Use	Warehousing	
Setting	General Urban/Suburban	
Time Period	Weekday	
# Trucks Per Day	266 (532 Truck Trips)	
Time	% of 24-Hour Truck Trips	# of Trucks Per Hour
12:00 - 1:00 AM	0.3%	1
1:00 - 2:00 AM	0.2%	0
2:00 - 3:00 AM	1.3%	3
3:00 - 4:00 AM	1.3%	3
4:00 - 5:00 AM	2.4%	6
5:00 - 6:00 AM	3.5%	9
6:00 - 7:00 AM	4.4%	12
7:00 - 8:00 AM	5.3%	14
8:00 - 9:00 AM	5.5%	15
9:00 - 10:00 AM	9.9%	26
10:00 - 11:00 AM	9.7%	26
11:00 - 12:00 PM	11.2%	30
12:00 - 1:00 PM	6.8%	18
1:00 - 2:00 PM	8.0%	21
2:00 - 3:00 PM	6.1%	16
3:00 - 4:00 PM	9.3%	25
4:00 - 5:00 PM	6.9%	18
5:00 - 6:00 PM	3.9%	10
6:00 - 7:00 PM	0.9%	3
7:00 - 8:00 PM	0.6%	2
8:00 - 9:00 PM	1.6%	4
9:00 - 10:00 PM	0.8%	2
10:00 - 11:00 PM	0.0%	0
11:00 - 12:00 AM	0.2%	0

**Comment III.G.10**

The noise assessments should represent the building mechanical equipment using actual mechanical plan layouts and source sound levels for actual equipment.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

**Response III.G.10**

Mechanical plans have not been designed at this stage of the project. However, to make the model more accurate, OAA has applied an HVAC layout from a similar sized project in the 17 July 2023 report (see FEIS Appendix H). OAA expects that the final design will be similar to what has been modelled.

**Comment III.G.11**

The noise assessment is recommended to be expanded to evaluate the sound levels in representative peak daytime periods and nighttime periods, for comparison to measured ambient sound levels in corresponding time periods. Assuming a 24 hour operation and referencing the traffic report, the represented operating periods might include the weekday peak morning, peak midday, and peak afternoon hours, an evening period, and a nighttime period concurrent with hours of minimum ambient.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

**Response III.G.11**

As requested, OAA expanded the analysis (see FEIS Appendix H) to look at each hour of the day and compare the projected site activity to the prevailing ambient sound levels. The predicted increases in hourly-average sound levels from combined facility sources with respect to the existing hourly-average ambient sound levels (sampled and logged) are summarized in the expanded noise analysis. At most of the evaluated locations the received sound levels are not expected to significantly change in any period. The greatest increases may occur at the closest receptor point to the southwest represented as survey Location 8/Model Locations M and N, where nighttime increases of 2 to 5 dBA and daytime increases of 2 dBA may occur; at the library and monastery represented as survey Location 5/Model Location G, where nighttime increases of 2 to 3 dBA and daytime increases of 3 to 5 dBA may occur; and at the residential towers represented as survey Location 7/Model Location K, where nighttime increases of 4 dBA and midday increases of 4 dBA may occur .

It is concluded these sound level differences are below the NYSDEC recommended limit of 6 dBA to sound level increases caused by a source, and should be unnoticed or acceptable to most individuals. The differences might only be perceptible by individuals of increased sensitivities located along the southern boundary who might be outdoors or have open windows in the nighttime hours.

**Comment III.G.12**

Evaluations of facility noise acceptability with respect to the local noise codes should be based on goals to avoid noise that generates annoyance or that is audible indoor. These factors are dependent on the level of the ambient noise environment in addition to the level and character of the source noise. Noise criteria recommended in the NYSDEC noise policy can be referenced

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

**Response III.G.12**

AAC has reviewed the revised facility noise assessment prepared by the Applicant. Based on that review, AAC concluded that the expanded hourly assessments of facility operation, in comparison to hourly ambient sound survey data, representing additional nearest locations, support the conclusions that sound level increases should not be unacceptable in accord with the noise requirements of the village codes and the NYSDEC noise policy.

To develop community noise acceptability criteria referencing NYSDEC noise assessment guidelines, ambient sound surveys were obtained at expanded locations around the project site to supplement previous measurements. The survey locations represented single- and multiple-family residential properties and institutional facilities opposite the south boundary of the project site along Lafayette Avenue from Washington Avenue to the west and Lackawanna Trail to the east. These locations are in addition to previous survey points at the south end of the property and at a location along Hemion Road to the east. Added ambient sound surveys included a residential area to the northwest and a school location to the northeast representing single- and multiple-family residential properties adjoining the north boundary of the project site. The ambient sound survey locations are described in Figure 1 of the supplemental noise report of July 17, 2023

The day-night average ambient sound levels at each evaluated location were calculated from the ambient hourly average sound levels to approximate 55 dBA at most receiver locations. This is the NYSDEC recommended limit based on EPA guidelines. The future day-night sound levels may slightly increase by 2-3 dBA with the noise contributions of facility operations, but the increases would not indicate significant impacts.

**Comment III.G.13**

To develop appropriate noise criteria to apply to facility operating periods, it is recommended that ambient sound level data be expanded, both to verify and supplement the sound level logging records and to confirm the referenced ambient noise criteria for each receiver location. One means would be to obtain logging measurements or sampling sound surveys for a portion of an hour in corresponding time periods, at one or more of the evaluated receiver locations and at additional receivers or boundaries, including existing residential locations and housing development locations south of the project site. An additional means to develop ambient noise criteria would be to model the background noise generated by traffic on roadways and on the I-87 highway by modeling, using hourly traffic volumes referenced from the traffic report and from NYSDOT traffic data.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

**Response III.G.13**

Per Aurora's feedback, the sound survey was significantly expanded to meet the intent of the requested receptors of interest, discussed in Comment 11. Overall, it was found that the original March 2022 sound survey provided comparable results to the new survey for nearby positions. Acquiring new data for additional receptors of interest established known sound levels for these locations which allowed better refinement of the sound study.

**Comment III.G.14**

The noise assessment should apply noise acceptability criteria that are based on the average ambient sound levels measured in corresponding time periods, and modeled using traffic volumes for corresponding time periods as practical. Referencing the logged hourly-average Leq sound level data from survey Location 1, the noise acceptability criteria of 48 dBA may be appropriate to assess daytime operating periods, including peak periods, and evening periods in hours from 7:00 a.m. to 10:00 p.m. The suggested average ambient sound level of 45 dBA determined from the logged data may be an appropriate criterion for the nighttime hours from 10:00 p.m. to 7:00 a.m., including the minimum nighttime ambient period. Actual criterion for each time period should be developed from the recommended follow-on survey data.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

**Response III.G.14**

Per this suggestion, OAA established hourly equivalent criteria based on the expanded sound survey.

**Comment III.G.15**

The noise assessment should be expanded to include calculations of the received Ldn sound levels for comparison to the NYSDEC recommended 55 dBA permissible sound level limit. The calculations might employ the predicted sound levels associated with the corresponding daytime and nighttime operating periods.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

**Response III.G.15**

Based on the expanded sound survey, OAA found that long-term monitored locations registered existing Ldn sound levels between 54-to-68 dB(A). This indicates that the area is well travelled and active at all hours. While the project will contribute sound to the area, day-night average sound levels will only slightly increase as a result of the project. This is shown in FEIS Appendix H.

**Comment III.G.16**

The noise model calculation parameters should be reviewed and set to conservative values, including choosing reflective surface coefficients for paved parking areas and for building walls.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

**Response III.G.16**

OAA models all buildings and barriers as fully reflective. Ground is modeled as partially absorptive to be conservative.

**Comment III.G.17**

The noise assessment might identify facility and background sound levels received at additional receptor locations at residential developments and communities to the south, east, west, and northwest. Sensitive locations to be considered for follow-on surveys should include sites at or near boundaries of Gitlow Towers, Montebello Crossing development east of the monastery, Suffern Free Library/Tagaste Monastery, and Good Samaritan Hospital. Other candidate survey locations might include residential areas along Lafayette from Tilton Road to Cedar Lane, Lackawanna Trail, Wayne

Avenue, Washington Avenue, Ramapough, and Ramapo Cirque, the community park along Memorial Drive, and the Suffern Middle School.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

***Response III.G.17***

The expanded sound survey has obtained ambient sound level data either at, or nearby the requested receptors to the extent feasible depending on access or physical constraints.

***Comment III.G.18***

Compliance of sound levels and sound level increases from facility operations with the NYSDEC noise policy should improve the likelihood the perceived noise will comply with regulations in the Village of Suffern and Village of Montebello codes that restrict unreasonable, annoying, and audible noise.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

***Response III.G.18***

Acknowledged and agreed.

***Comment III.G.19***

Should the predicted received sound levels in one or more time periods at any represented receiver location exceed the NYSDEC 6 dBA limit to increases in ambient sound levels, or should the predicted day-night sound level at any location exceed the NYSDEC 55 dBA Ldn sound level limit, noise mitigation options should be evaluated and included in the facility design. Revised noise contours, summary levels tables, and associated conclusions of acceptability tables that include the mitigations should then be prepared.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

***Response III.G.19***

Results in FEIS Appendix H show that future sound levels may potentially increase by 0-to-5 dB, which results in no negative acoustical impact per NYSDEC guidelines. Regarding Ldn, the survey of existing emissions indicated that the area current experiences Ldn sound levels of 54-to-68 dBA as a result of local and distant traffic flow sound. Increases due to this project are minimal and will not result in a negative impact.

***Comment III.G.20***

Construction noise scenarios are recommended to be developed to assess sound levels received from representative major construction phases for comparison to measured and modeled ambient sound levels in corresponding time periods and to the Village of Montebello 60 dBA L10 sound level limit.

Correspondence #11, Letter from Aurora Acoustical Consultants Inc, dated 6/2/23

***Response III.G.20***

A detailed construction analysis is not possible at this time as the specific type, quantity, and location of equipment is not known. OAA agrees that all applicable construction noise codes should be

followed to minimize any acoustical impact. Based on professional experience, there is nothing unique about this project that would bar it from being able to comply with codes. Should special situations arise, OAA recommends that the construction team have open communication with the Village and public to minimize any disturbances during this temporary phase of the project.

***Comment III.G.21***

Construction equipment scenarios were not specifically evaluated as recommended to identify potential daytime sound levels and relative sound level increases as means to identify potential needs for temporary mitigation measures. It was stated the facility construction plan has not yet been defined. Recommendations were included in the noise report for restrictions to hours of construction, and for avoiding placing equipment and performing noisy activities near residences, as needed to comply with village code restrictions and to meet the Village of Montebello's permissible L10 sound level limit for construction. Conditions might be included in the construction permit to require periodic sound level monitoring during construction phases to ensure compliance with the village code requirements and L10 sound level limit at sensitive boundaries.

Correspondence #12, Letter from Aurora Acoustical Consultants Inc, dated 9/29/23

***Response III.G.21***

Comment noted. During construction, the Applicant will employ best management practices to comply with Village Code requirements and permissible sound level limits for construction. Conditions will be included in the construction permit to employ periodic spot checks of the noise levels if there is a complaint or suspected violation of the permissible sound level limits for construction.

## III.H Air Quality

### ***Comment III.H.1***

I understand that there are paving materials and after treatment paints with a high solar reflective index (high SRI). I don't know about the actual products. Perhaps your people have access to information.

If all the paved areas in the project had a high SRI, as well as the white coat your plans have for flat roofs, these would mitigate the increase in the built footprint of the project. Cooler ambient temperature for the site would be an economy for operations and cooler paved surfaces would extend the life of the pavement.

(Correspondence #4, Email Patsy Wooters, dated 5/1/23)

### ***Response III.H.1***

The Applicant will use a high solar reflective index (high SRI) pavement surface coating in those areas of the site where possible. This cannot be accommodated in the parking areas due to the activity associated with the industrial operation of the property, therefore the use of high SRI pavement surface coating will be limited to pedestrian areas surrounding the building.

It is noted that the response to Comment III.G.16 is accurate as written in that all buildings and barriers are modeled as fully reflective and ground is modeled as partially absorptive to be conservative.

### ***Comment III.H.2***

The DEIS concludes that impacts of vehicular emissions from the project generated trips would be insignificant. Additionally, the DEIS indicates the Proposed Project would not cause any significant adverse air quality impacts at the nearby sensitive land uses and not mitigation measures to reduce air quality impacts are required. As is recognized in the DEIS, Rockland County is designed as a moderate non-attainment area for the 2015 8-hour ozone standard and a serious non-attainment area for the 2008 ozone standard as part of the larger New York-Northern New Jersey-Long Island, NY-NJ-CT metropolitan area.

Also, as part of the larger metropolitan area, the County is designed as a maintenance area for PM2.5. Both mobile and stationary sources at the project site will result in the emission of carbon monoxide, particulate matter (PM2.5 and PM10) and NO2.

The Village and other involved and interested agencies must be satisfied that the vehicle trips created by the construction of the Proposed Project would not result in any significant degradation of local and region-wide air quality and that the findings of the DEIS that there are no significant adverse air quality impacts are acceptable.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### ***Response III.H.2***

Comments noted. The Air Quality and Greenhouse Gas Emissions analyses conducted for the Proposed Project are based on the site generated traffic and proposed operations of the project. The

DEIS conducted mobile source screening analysis to evaluate a potential for significant adverse air quality impacts from CO and PM<sub>2.5</sub> traffic emissions at the intersections affected by the project during operations and construction. The screening analysis showed that there is no potential for a significant air quality impact on CO concentrations during operations or construction. The PM<sub>2.5</sub> screening demonstrated no potential for impacts during operations, but failed screening at a few intersections during the AM peak hour during construction. The PM peak hour passed screening.

The PM<sub>2.5</sub> has two health-related ambient standards, one for the average 24 hours and the other annual average. The short-term (24 hour) standard will not be violated because only the AM hour exceeded the screening threshold, while the other hours did not. In addition, both short-term and annual standards are compared to concentrations averaged over three years. Since construction is projected to only last for one year (a 12 month period), the three-year average would not have the potential to result in an impact.

Similar to PM<sub>2.5</sub>, PM<sub>10</sub> also would not have the potential to exceed its 24-hour national ambient air quality standard.

The Traffic Impact Study has not been amended in any way that makes the original DEIS Air Quality and Greenhouse Gas Emissions analyses no longer valid.

***Comment III.H.3***

The DEIS pledges to create a sustainable project with a goal of net zero emissions. The heating, air conditioning and ventilation (HVAC) systems and hot water units in the proposed warehouse buildings would use natural gas. To further the goals of The Climate Act, consideration should be given to alternative HVAC systems so as to reduce or eliminate the use of fossil fuels. Alternate forms of heating and cooling can include the consideration of the use of geothermal or the electrification of the facility.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

***Response III.H.3***

As stated in the DEIS, the warehouses have been designed to accommodate the load standards for solar capabilities on the roofs. If solar panels are installed on the entire surface of the three warehouse roofs, they would generate enough electricity to cover the HVAC, hot water and lighting needs of the Proposed Project. The tenants of the proposed warehouses would be responsible to choose solar over natural gas for the HVAC and hot water. In addition, the warehouses will use sustainable design features such as reflective paint and other materials to reduce the need in HVAC and lighting.

The warehouses may receive electric trucks and employee cars that will reduce the mobile source GHG emissions.

As the logistics business often has tenants with minimal energy usage, installing the solar as a behind-the-meter asset to serve the on-site load is a risk and uneconomic approach for the warehouse. This is because on most facilities, covering the expansive roof with solar will generate a considerable amount of energy, far more than the tenants will use in a year. As such, it is most ideal for the facility, tenant, and for the community, to install the solar as a front-of-the-meter project, sending its power directly to the grid. Installing and operating the solar system this way allows the solar to participate as a Community Solar project, meaning the solar will serve local residential, Commercial & Industrial, and

low-to-moderate income (LMI) energy users at a discount to their prevailing utility rate. Thus, providing both a positive environmental and financial impact to the local community.

The applicant is committing to installing the necessary infrastructure to support the future installation of solar on the roof. This infrastructure will include an additional 5 psf of live load on the roof structure where solar panels could be located, future underground conduit pathways from the street to an earmarked transformer pad location, and then conduit from the transformer pad to a future solar electric service room location.

The Applicant's subsidiary, Standard Solar, will be applying for the NY Community Solar program under a separate application and plans to have the solar installed and operational concurrent with the operation of the facility. That said, there are a number of regulatory and development obstacles that can delay the solar installation. While the NY Community Solar program and utilities are accepting applications, the application review and acceptance period has an extended lead time. The utilities grid study takes some time as the utility determines the ability to interconnect the solar and determines the potential associated grid upgrade costs that impact project viability and design. Program and incentive approval are often prerequisites before solar developers and installers can purchase equipment. The timeline for these approvals varies and the process is handled by solar contractors with technical expertise. As such, it is always the case that these applications are separate from the base development.

***Comment III.H.4***

The DEIS recognizes that on-site emissions would result from starting, moving and idling vehicular activity. However, there is no information provided regarding the impacts of such vehicular activity, particularly the air quality and noise impacts that can result from idling trucks. The DEIS should analyze and consider the impacts from idling vehicles. Additionally, traffic and air quality impacts should be analyzed and reviewed cumulatively with all other proposed development in the area.

Restrictions on Vehicle Idling. 6 NYCRR 217-3 is only referenced in terms of a mitigation measure during construction. There is no reference to idling impacts or restrictions on idling during operations. In addition to the reference to the state regulations regarding idling, the DEIS and the applicant should recognize that Rockland County regulates the Idling of Vehicles. Chapter 377 <https://ecode360.com/9669826> limiting idling longer than three consecutive minutes when the motor vehicle is not in motion.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

**Response III.H.4**

The Applicant will comply with Rockland County Code, Chapter 377, Idling of Vehicles. Compliance will be strictly enforced during the construction and when the site is fully operational. On-site property management will require compliance by all vehicle operators. According to Rockland County Code – Ch 377-2(A) - Idling for no longer than three minutes at a time.

Idling emissions are included as part of air quality mobile source screening analysis for the intersections. The impact of all modes of vehicular operations, including idling, are included in the evaluation of vehicular emissions impacts from the project's parking lots. No significant adverse impacts are anticipated.

**Comment III.H.5**

As is spelled out in the Utilities section on page II.11, natural gas service is proposed to be used for the development. The proposed development would utilize the existing service line to the best extent practicable. The service provider for natural gas is Orange and Rockland Utility Company. Additionally, the electric service provider for electric is Orange and Rockland Utility Company.

The DEIS states erroneously that "Contribution of a (the) proposed project's GHG emissions to global GHG emissions is likely to be considered insignificant when measured against the scale and magnitude of global climate change." III.H.1

The impacts of this project must be considered in the larger context of all development activity not only in the Village, but in the County, the region, and the State. Each project cannot be looked at in isolation for this is what has, in part, led to the global climate crisis. Building and transportation are the two largest contributors to greenhouse gas emissions. The applicant is proposing to use fossil fuels for both buildings and transportation, hence likely will be a significant contributor to greenhouse gases. A full analysis of proposed energy usage and a full accounting of potential GHG emissions is recommended.

On page III.H.13 it is indicated that "*The main sources of GHG in New York State are transportation, building's heating and cooking...*" It is presumed that the DEIS intended to reference heating and cooling in this sentence, not heating and cooking.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

**Response III.H.5**

The DEIS estimated GHG emissions from the project following the guidance of NYSDEC. Direct emissions from the project, scope 1 emissions from HVAC and hot water systems, indirect, scope 2 emissions from purchased electricity and mobile source emissions from trips generated by the project were quantitatively estimated for the operations of the project. Additionally, avoided emissions, in the case that tenants use solar panels, were also quantified and compared with previously estimated total emissions from the project operations. Also see Response III.H.3.

GHG emissions under project operations were assessed against the Village GHG, Rockland County and New York State emissions and found to constitute a small percent of GHG emissions on this scale.

**Comment III.H.6**

The section, as was previously referenced, indicates that the applicant is committed to Net Zero for the Proposed Project but does not identify a strategy or path to achieve net zero. There is a general reference to the applicant's use of renewable energy and reducing greenhouse gas emissions however there is no mention of the use of renewables and achieving net zero for the proposed project.

As previously noted, this project presents an opportunity to advance the goals of the New York State's Climate Act through the inclusion of on-site renewable energy. Flat roofs of warehouses may be conducive to the installation and use of solar panels. Warehouses can also be conducive to the use of solar walls. It is recommended that the potential use of on-site renewable energy be evaluated and strongly considered. Likewise, the building should be designed and constructed to maximize energy efficiency.

We applaud the proposed installation of electric vehicle charging stations. We encourage the applicant to also use electric vehicles at the site to further the goal of achieving a net zero project.

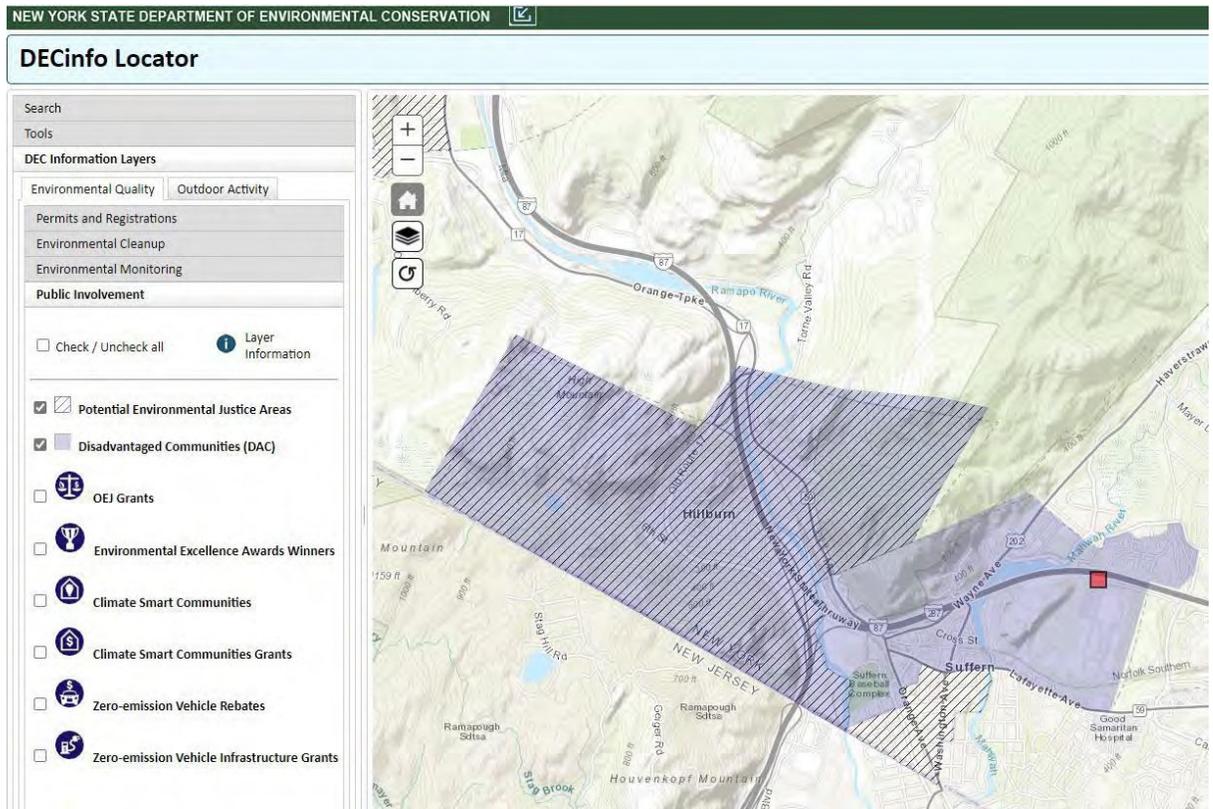
Based on the DECinfo Locator <https://gisservices.dec.ny.gov/gis/dil/>, the subject site is located within a draft "Disadvantaged Community" (DAC). These areas, as designated under The Climate Act, are those that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households. This department recommends that the Planning Board, the applicant and the DEIS recognize this designation and disproportionate impacts of climate change on this community and take steps such as the use of native plants to address them locally. As part of a DAC, the urgency is heightened to invest and take action to advance the goals of the Climate Act.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

**Response III.H.6**

On March 9, 2022, the NYS Department of Environmental Conservation (DEC) issued draft criteria developed by the DEC Climate Justice Working Group for identifying disadvantaged communities. In March 2023, DEC finalized the list of disadvantaged communities, which includes 1,736 census tracts statewide (a little over 1/3 of all census tracts in the state). As shown in the DECinfo Locator map, the portion of the project site located in Suffern is located within a Disadvantaged Community (DAC). These areas have been designated by the Climate Justice Working Group as disadvantaged communities, as defined in the Climate Leadership and Community Protection Act (CLCPA). The CLCPA defines disadvantaged communities as communities burdened by negative public health effects, environmental pollution, and climate change impacts as well as communities that possess certain socioeconomic criteria or comprise high concentrations of low- and moderate income

households. Under the CLCPA, Disadvantaged Communities receive priority for at least 35% of state spending on clean-energy and energy-efficiency programs.



In addition, the project plans to use sustainable features as described above in the responses to other comments to further reduce climate change impacts. The proposed warehouses would be designed to accommodate the load standards for solar capabilities on the roof. If the tenants install solar panels, it would offset direct and indirect GHG emissions from project operations, on the way to net zero. Also see Response III.H.3.

### III.I Historic, Archaeological, and Cultural Resources

#### *Comment III.I.1*

The proposed project will not “improve” conditions at Tagaste Monastery –the Project would introduce a new building and associated grading, parking, and truck vehicles in closer proximity than Building 1. This conclusion is unsupported, and the potential impacts to this historic resource is not fully discussed.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

#### *Response III.I.1*

The new buildings, while in closer proximity to Tagaste Monastery, will be considerably shorter than the 90 foot tall Terminal and AR/RS Novartis building, which previously occupied the site. Based on project consultation with the New York State Office of Parks Recreation and Historic Preservation, the Proposed Project would not have a significant adverse impact on historic resources, including the Tagaste Monastery.

There is a substantial 850 foot buffer between the closest point between the Monastery and the southeastern corner of proposed Building 1. Even in leaf-off conditions, the dense trees, substantial distance and, change in grade will limit most views of the project site from the Tagaste Monastery. Photo simulations illustrate that the upper portion of the proposed buildings would be visible in leaf-off conditions.

If it is deemed necessary by the Planning Board and agreeable to the owners of Esther Gitlow Towers and Tagaste Monastery, the Applicant would provide landscape planting of a hearty, fast-growing evergreen species off site, at the rear of Esther Gitlow Towers and Tagaste Monastery property to reduce visibility and impacts of Buildings 1, 2 and 3. This will be incorporated and detailed in the site plan approval.

## III.J Utilities

### ***Comment III.J.1***

I salute the fact that the buildings will have white covering on top, which I don't know if that may be code here in Suffern, I don't know. But I'm asking, in addition that the roadways be coated with reflective paint to, again, to mitigate against the enlarged footprint and coming climate change. Thank you.

(Village of Suffern Planning Board Public Hearing, Comment from Patricia Wooters, dated 4/26/23)

### ***Response III.J.1***

Unfortunately, this cannot be accommodated in the parking areas due to the activity associated with the Industrial Operation of the property.

### ***Comment III.J.2***

Application for the review and approval of a backflow prevention device for the connection to the Village of Suffern's water main for both domestic and fire service must be made to this department. Application is made to the Village of Suffern Water Department and that office forwards the application to the RCDOH.

(Correspondence #7, Letter from Elizabeth Mello, P.E, Senior Public Health Engineer, Rockland County Department of Planning, dated 5/4/23)

### ***Response III.J.2***

The applicant will comply.

### ***Comment III.J.3***

Application is to be made to the Rockland County Health Department for sanitary sewer extension approval. Any changes to the existing pump station must be included in the Engineer's Report.

(Correspondence #7, Letter from Elizabeth Mello, P.E, Senior Public Health Engineer, Rockland County Department of Planning, dated 5/4/23)

### ***Response III.J.3***

The applicant will comply.

### ***Comment III.J.4***

If a kitchen is proposed, the wastewater design flow must be increased by 25 gallons per seat.

(Correspondence #7, Letter from Elizabeth Mello, P.E, Senior Public Health Engineer, Rockland County Department of Planning, dated 5/4/23)

### ***Response III.J.4***

The applicant will comply.

***Comment III.J.5***

Water is a scarce resource in Rockland County, thus, proper planning and phasing of this project are critical to supplying the current and future residents of the Villages, Towns, and County with an adequate supply of water. The DEIS indicated that the Proposed Project is anticipated to result in a decrease in demand for water and sanitary sewer service when compared to the existing Novartis Pharmaceutical facility (p.II.J.2). Nevertheless the incorporation of energy saving measures and water saving fixtures into the design of the facility is an important mitigation measure.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

***Response III.J.5***

Acknowledged.

***Comment III.J.6***

For the installation of a sanitary sewer system, engineering plans and specifications shall be reviewed and approved by the Rockland County Department of Health prior to construction.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

***Response III.J.6***

Acknowledged.

## III.K Community Services and Facilities

### *Comment III.K.1*

Should determine whether any additional police protection personnel will be needed. This can be addressed during substantive review. The DEIS notes that while there will be an increase in calls, the project would incorporate features to increase security and reduce demand for police protection (lighting, cameras, gates, security card access, etc.) Project would generate taxes to offset costs. This should be detailed, as it will be included in the Findings Statement. Please also address whether the entrances to the facility will be gated, and whether a guardhouse will be reconstructed. Many warehouse complexes, depending on the loads, require that drivers check into the gatehouse before continuing to make a delivery.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### *Response III.K.1*

In email correspondence received from Chief Andrew Loughlin from the SPD dated August 24, 2022 (DEIS Appendix O), Chief Loughlin stated that “a warehouse facility of this size will likely increase the calls for service and total workload for the police department. I would expect a heavy commercial vehicle volume increase, as well as general calls for service including motor vehicle accidents, medical calls, alarms, etc. As part of the review, an increase of police staffing levels should be reviewed and considered.”

The former Novartis manufacturing facility once employed 525 people on this site. The Proposed Project will employ approximately 400 full time employees and 50 part time employees, representing a reduction in the number of employees on site when compared to the Novartis Pharmaceutical facility. Although there would be no residential population on the site, the worker population on the site could result in the use of police services responding to on-site calls for emergencies. It is anticipated that these emergency services for the worker population would be offset by revenues generated to the corresponding taxing jurisdictions including PILOT payments and property taxes after the end of the PILOT program, and through mitigation measures as outlined in DEIS Chapter III.K Community Services and Facilities.

The Proposed Project would incorporate features to increase site safety and reduce demand for police protection, including on-site security measures such as security cameras installed throughout the proposed development, security gates at the site entrances, exterior lighting, key card access to all buildings, and an internal circulation design to minimize collisions.

Additionally, as detailed in DEIS Chapter III.M, Fiscal Impacts, the Project Site would generate taxes for the applicable taxing districts including the SPD. The Proposed Project will generate substantial PILOT payments to the General Town, County, School/Library, and Village taxing jurisdictions, resulting in an increase over current property taxes for these taxing jurisdictions. The Proposed Project would result in a net positive impact for taxing jurisdictions based on the improved property valuation post-construction. The Project will result in annual taxes to the Village of Suffern (a portion of which is allocated to the Suffern Police Department) increasing from approximately \$371,000 to \$460,200 in PILOT year 2. PILOT payments to the Village of Suffern will increase each year during the PILOT period reaching over \$1.64 million post-PILOT. Special districts, such as Town Police, are not subject to the PILOT and will be paid full tax payments based on the assessed value of the property. The estimated tax paid to the Town Police (post construction) is over \$46,600.

It is expected that the substantial increased tax revenues generated by the Proposed Action (including PILOT payments to the Village of Suffern in years one through ten with phased tax increases) would offset any incremental increased costs for police protection services by the SPD. Therefore, it is the Applicant's belief that no significant adverse impacts on police services are expected due to the Proposed Action.

***Comment III.K.2***

Fire Services Impacts – does not note correspondence from Fire Chief that the “first due” apparatus “will not meet the needs of the proposed facilities for several reasons...” and “without proper aerial device, no firefighting operation will be successful in mitigating damage to the entire building.” Letter from Chief notes that same apparatus is next slated for replacement. Please address whether the fire department's apparatus needs are met.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.K.2***

These three (3) Warehouses will include state of the art Fire Sprinkler Systems throughout the building. Depending on the product to be stored within the warehouse, there may even be fire suppression systems (ESFR) located within the racking systems to be able to handle a fire event in a localized area. Building 1 will be approximately 51 FT Tall and include various Fire Department Connections (FDC), ladders on the outside of the building for quick access to the roof and a full fire loop around the building with various Fire Hydrant connections. The Site Plan has also been designed to provide full circulation around Building 1 and three sided circulation around Buildings 2 and 3.

The Applicant has met with Fire Chief Jeremy Kaufer to review and discuss the project. In a letter from Fire Chief Jeremy Kaufer dated October 12, 2023, the Fire Chief confirmed that the Department has no other outstanding concerns with the project moving forward. See FEIS Appendix J for the letter from the Fire Chief.

***Comment III.K.3***

No response was received from Spring Hill EMS and William P. Faist Ambulance Corps (until recently the site was within Ramapo Valley Ambulance Corps). Has an additional efforts been made to obtain input?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.K.3***

The Applicant has made additional outreach efforts to both the Spring Hill EMS and William P. Faist Ambulance Corps, but no response has been received.

## III.L Visual Resources

### *Comment III.L.1*

A lighting plan shall demonstrate that the intensity of the candle lumens is less than 0.1 at the property line. This especially crucial along the northern property line, as the site is visible from the NYS Thruway. The perimeter lighting must not be a distraction to drivers traveling on the Thruway.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### *Response III.L.1*

The Lighting Plan (Sheets 72-83) comply with this requirement.

### *Comment III.L.2*

In general, and as mentioned previously, the photos of views toward the site inadequately represented such views. The images are small, and the color contrast does not allow for details to be seen, for example, forested areas show up as one large dark area. This is evident from a review of Photo III.L-2b versus Photo III.L-3b.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### *Response III.L.2*

On June 12, 2023, the Applicant's consultant team participated in a virtual meeting with the Village's Planning Consultants from Nelson Pope Voorhis (NPV). During this meeting the visual perspectives for additional photo documentation and visual impact analyses were confirmed. The Applicant sent a team (architect, landscape architect and engineer) out into the field on June 21, 2023 to take photos for photo documentation from the following vantage points:

- Suffern Free Library
- Esther Gitlow Towers
- Tagaste Monastery
- New Antrim Pointe

The photos were taken utilizing a methodology recommended by the NPV team. Photographs from publicly accessible viewpoint locations were recorded with a DSLR camera with a focal length of 50mm, which is widely accepted as it approximates the angle of view and magnification of human vision. Ortho locations were documented, and photos were taken for panoramic simulations. The purpose of the photo documentation is to determine if there will be an adverse visual impact from surrounding uses. The additional photo documentation and visual impact analyses supplement the prior visual impact analyses undertaken by the Applicant (DEIS Chapter III.L Visual Resources and DEIS Appendix Y - EDR Field Visibility Assessment Report).

Upon further review of the photos and aerial imagery of the vantage points listed above, NPV and the Applicant's team agreed that photo simulations would be undertaken from the Suffern Free Library and from Tagaste Library looking towards the closest proposed building (Building 3). It was also agreed that the following cross sections would be developed:

- Cross section from New Antrim Pointe to the southwestern corner of proposed Building 2

- Cross section from Esther Gitlow Towers to southeastern corner of proposed Building 2
- Cross section from Suffern Free Library to southeastern corner of proposed Building 3
- Cross section from Tagaste Monastery to southeastern corner of proposed Building 1

In addition, an aerial rendering is provided to show the relative limit of disturbance, vegetative coverage, and distances between the above listed cross sections. These materials are provided in FEIS Appendix I. Responses to Comments III.L.3 through III.L.16 reference the visual impact materials in FEIS Appendix I.

***Comment III.L.3***

It is also still unknown what mm photo was taken for the images – it is unknown if they represent what the viewer would actually see, or whether the images show the site as being more distant which would serve to minimize the actual views of the site. An example is Photo III-L-6a versus Photo III-L-6b, which are shown at different camera focal lengths. The full leaf-on image is more magnified than the leaf-off image. In general, the analysis lacks methodology.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.L.3***

Comment noted. See Response to Comment III.L.2.

***Comment III.L.4***

As a general comment, despite the additional assessment, it is our opinion that construction of proposed buildings 2 and 3 will open up views into the site from various vantage points along Route 59. These should be photo simulated – the analysis does not fully depict the cumulative impact of the removal of vegetation and the introduction of the buildings. The buildings and limits of disturbance, to maximum the total impervious surface areas, are right up to and against wetlands. This does not allow for any visual buffering as is evident from a review of the overall landscape plan.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.L.4***

See Response to Comment III.L.2. Due to the topography of the site and the substantial change in grade from Route 59 to the Project Site, proposed Buildings 2 and 3 will not be visible from vantage points along Route 59. As shown on the cross section for New Antrim Pointe, the building is at elevation 360.00. The base elevation of proposed Building 2 is 320.00 and the building will be approximately 40 feet tall, resulting in a roof elevation of 360.00. As shown on the cross section, residents above the first story of New Antrim Pointe will see the roofline of proposed Building 2 and from the upper stories of New Antrim Pointe, the view will be over proposed Building 2. In addition, there is a 328 foot buffer between the closest point between New Antrim Pointe and the southwestern corner of proposed Building 2. Even in leaf-off conditions, the dense trees, substantial distance and, steep change in grade will limit views of the project site from most viewpoints along Route 59.

As shown on the cross section for Esther Gitlow Towers, the building is at elevation 350.00. The base elevation of proposed Building 2 is 320.00 and the building will be approximately 40 feet tall, resulting in a roof elevation of 360.00. As shown on the cross section, residents above the first story of Esther Gitlow Towers will see the roofline of proposed Building 2 and from the upper stories of

Esther Gitlow Towers, the view will be over proposed Building 2. In addition, there is a 241 foot buffer between the closest point between Esther Gitlow Towers and the southeastern corner of proposed Building 2. Even in leaf-off conditions, the dense trees, substantial distance and, steep change in grade will limit views of the project site from this vantage point. As the Esther Gitlow Towers are taller multistory buildings, they are likely to see all three buildings, and not just Building 2.

As shown on the cross section for Suffern Free Library, the Library is at base elevation 355.00. The base elevation of proposed Building 3 is 320.00 and the building will be approximately 40 feet tall, resulting in a roof elevation of 360.00. As shown on the cross section, occupants of the Library looking towards the Project Site will see the roofline of proposed Building 3 and from the upper story of the Library, the view will be over proposed Building 3. In addition, there is a 353 foot buffer between the closest point between the Library and the southeastern corner of proposed Building 3. Even in leaf-off conditions, the dense trees, substantial distance and, steep change in grade will limit views of the project site from this vantage point. Photo simulations illustrate that the upper portion of the proposed buildings would be visible in leaf-off conditions. The existing railroad tracks are also visible from this vantage point.

As shown on the cross section for Tagaste Monastery, the Monastery is at base elevation 375.00. The base elevation of proposed Building 1 is 315.00 and the roof elevation is 360.00. As shown on the cross section, from the Monastery parking lot, the roof of proposed Building 1 is within the line of sight. The distance between Tagaste Monastery and the southeastern corner of proposed Building 1 is 850 feet. There is a substantial 850 foot buffer between the closest point between the Monastery and the southeastern corner of proposed Building 1. Even in leaf-off conditions, the dense trees, substantial distance and, steep change in grade will limit views of the project site from this vantage point. Photo simulations illustrate that the upper portion of the proposed buildings would be visible in leaf-off conditions.

The photo simulations illustrate the worst-case scenario in leaf off conditions. The visual impacts of the Proposed Project are not considered significant in the Applicant's opinion, particularly when compared to the prior 90 foot tall Novartis building, which could be seen from most surrounding vantage points.

***Comment III.L.5***

The perspective of these images does not offer a visual of the buildings and uses from the street. In many of the images the roadway and/or driveway is in the foreground of the image. This is still the case.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.L.5***

See Responses to Comment III.L.2 and Comment III.L.4.

***Comment III.L.6***

The conceptual renderings provide a sense of the materiality of the buildings, but are not photo simulations showing accurately what the site will look like after construction.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.L.6**

See Responses to Comment III.L.2 and Comment III.L.4. The conceptual renderings together with the photo simulations accurately illustrate what the site will look like after construction.

**Comment III.L.7**

Footnote 2 is inaccurate. Photo simulations were not created. Further, before and after comparison of the images are not provided which would have documented whether or not trees were removed from the viewshed, which would be evident from an existing conditions photo. Rather, it appears that no vegetation has been removed from the images, and only a line appears where the building mass would be.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.L.7**

See Responses to Comment III.L.2 and Comment III.L.4. Photo simulations provided in FEIS Appendix I have been developed to show a worst case scenario in complete leaf off conditions.

**Comment III.L.8**

The DEIS lacks any discussion of the methodology to simulate the outline of the buildings shown in the imagery. It does not discuss whether buildings, especially 2 and 3, are being constructed in a fill condition, and whether the buildings that are outlined represent the full height of the building, taking into consideration scale.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.L.8**

See Responses to Comment III.L.2 and Comment III.L.4. Photo simulations and cross sections have been developed based on the final elevations proposed for development.

**Comment III.L.9**

While this image provides the potential massing for the site, it is not a photo simulation, and it does not represent any tree removal which is occurring in this area. Warehouse 3 and the new access road to Warehouses 2 and 3 are removing vegetation.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.L.9**

See Responses to Comment III.L.2 and Comment III.L.4. Photo simulations provided in FEIS Appendix I have been developed to show a worst case scenario in complete leaf off conditions.

**Comment III.L.10**

On this page, the DEIS shows the "best" case view from Esther Gitlow Towers. Here, no development is occurring across from the parking lot. However, Building 2 is only 81 feet from the southerly property line. No effort was made to represent Building 2 from the parking lot which is immediately behind the apartment building. Images further in the analysis as part of the Field Assessment do consider potential impacts.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.L.10***

As shown on the cross section for Esther Gitlow Towers, which can be found in FEIS Appendix I, Esther Gitlow Towers is at a base elevation 350.00. The base elevation of proposed Building 2 is 320.00 and the building will be approximately 40 feet tall, resulting in a roof elevation of 360.00. As shown on the cross section, residents above the first story of Esther Gitlow Towers will see the roofline of proposed Building 2 and from the upper stories of Esther Gitlow Towers, the view will be over proposed Building 2. In addition, there is a 241 foot buffer between the closest point between Esther Gitlow Towers and the southeastern corner of proposed Building 2. Even in leaf-off conditions, the dense trees, substantial distance and, steep change in grade will limit views of the project site from this vantage point.

***Comment III.L.11***

It was our expectation that the “beacons” would be used to assist in preparing photo simulations of the buildings and site from the various vantage points. It cannot be concluded, from a single “beacon” that there will not be a significant visual impact. This point is one along a building wall which is approximately 280 feet in length. In addition, approximately 30 feet of vegetation is being removed from along the southerly wall in order to grade the site. This image does not effectively represent the visual impacts that may result.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.L.11***

Beacons were used in the EDR Field Visibility Assessment Report (DEIS Appendix Y) to represent the full height of the proposed structures. It was NPV’s preference to raise a large helium-filled balloon to the maximum height of buildings 2 and 3 so that the village could understand the height and scale of the proposed structures and to help characterize their visibility from abutting properties.

However, due to the inherent risks associated with ballooning (wind, tree canopy, and instability), it was determined by the Applicant’s consultants in discussion with NPV and Brookfield Properties that an alternative approach could serve the same purpose. As such, beacons including a scissor lift with a maximum extended vertical height of 50 feet and a constructed pole sign with a maximum vertical reach of 41 feet were erected to provide an understanding of the height and scale of the proposed structures. It was determined that this approach would sufficiently meet the intended goals of this effort, similar to the goals of raising helium balloons.

See Response to Comment III.L.2 and refer to FEIS Appendix I for photo simulations.

***Comment III.L.12***

Likewise, the length of the building needs to be considered when viewing from the Esther Gitlow Tower. A photo simulation, with trees removed, needs to be included in the FEIS to understand the full visual impact from this vantage point. The corner of Building 1 is only 150 feet from the Gitlow property line, and the edge of parking and wall is about 110 feet. The building, parking, wall, and removal of vegetation needs to be photo simulated for this location.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.L.12**

See Responses to Comments III.L.2, III.L.4 and III.L.10.

**Comment III.L.13**

These images do not provide evidence that the buildings will not be visible. The images only show existing vegetation, and no consideration is given to the removal of vegetation for construction. Building 2 is being constructed within the forested portion of the site, as well as Building 3 (except for the small area with existing accessory maintenance building).

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.L.13**

See Responses to Comment III.L.2 and Comment III.L.4. Photo simulations provided in FEIS Appendix I have been developed to show a worst case scenario in complete leaf off conditions.

**Comment III.L.14**

Within Mitigation Measures, suggest possible landscape planting off-site at adjacent sites, particularly at rear of parking area at Esther Gitlow Towers to reduce visibility and impacts of Building 2.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

**Response III.L.14**

As shown on the cross section for Esther Gitlow Towers, which can be found in FEIS Appendix I, Esther Gitlow Towers is at a base elevation 350.00. The base elevation of proposed Building 2 is 320.00 and the building will be approximately 40 feet tall, resulting in a roof elevation of 360.00. As shown on the cross section, residents above the first story of Esther Gitlow Towers will see the roofline of proposed Building 2 and from the upper stories of Esther Gitlow Towers, the view will be over proposed Building 2. In addition, there is a 241 foot buffer between the closest point between Esther Gitlow Towers and the southeastern corner of proposed Building 2. Even in leaf-off conditions, the dense trees, substantial distance and, steep change in grade will limit views of the project site from this vantage point.

As mitigation, if it is deemed necessary by the Planning Board and agreeable to the owners of Esther Gitlow Towers, the Applicant would provide landscape planting of a hearty, fast-growing evergreen species off site, at the rear of Esther Gitlow Towers to reduce visibility and impacts of Building 2.

**Comment III.L.15**

The DEIS has not fully analyzed the impacts from the project, and methods to mitigate it against visual impacts that would result to southerly vantage points. "Maintenance of vegetative buffers where practicable" is not a mitigation. Except for the project maximizing development up to existing wetlands, there is no reason why it is not practicable to either relocate, redesign, or resize Buildings 2 and 3 to provide additional buffering and provide a meaningful setback to disturbances.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.L.15***

The Project has been designed to be in compliance with all zoning requirements for the site. The Proposed Project meets the goals and objectives of the Applicant. The Applicant represents that the elimination of building 2 or building 3 is not an option.

***Comment III.L.16***

The proposed buildings are still using generally lighter colors on portions of the building, e.g., winter white. This is not as muted as could potentially be integrated into the colors of the building to reduce visibility. This is why additional screening would be preferred.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

***Response III.L.16***

As part of the Applicant's commitment to sustainable development and reducing the Project's carbon footprint, the buildings have been designed to maintain a cooler ambient temperature for the buildings and the site overall. The Applicant has agreed to provide additional screening as suggested in the comment above. If it is deemed necessary by the Planning Board and agreeable to the owners of Esther Gitlow Towers and Tagaste Monastery, the Applicant would provide landscape planting of a hearty, fast-growing evergreen species off site, at the rear of Esther Gitlow Towers and Tagaste Monastery property to reduce visibility and impacts of Buildings 1, 2 and 3. This will be detailed during final site plan review.

## III.M Fiscal Impacts

### *Comment III.M.1*

Please address whether the various agencies allow the exemptions that are represented as being available to the applicant. Is the applicant seeking 485-b exemptions?

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### *Response III.M.1*

The Applicant has submitted an application to the Rockland County Industrial Development Agency (RCIDA) for certain fiscal benefits including: (1) Sales and Use Tax Exemption; (2) Mortgage Recording Tax Exemption; and (3) a Payment In Lieu Of Tax (PILOT) Agreement – real property tax exemption. The RCIDA issued an initial “Inducement Resolution” for the project and the Applicant is working with the various taxing jurisdictions to finalize the PILOT. There is no application for a RPTL 485-b exemption. Based on initial numbers outlined by the Applicant, the taxing jurisdictions will obtain significant property tax benefits after a PILOT is executed in the short and long term. The Applicant has committed to paying the current property tax bill during the application process and during construction, with annual increases. Once the project is built, there will be a significant real property tax benefit to all the taxing jurisdictions (Town/County/Village and School District) with no negative impact on the School District (no school children).

A PILOT has been discussed with the various taxing jurisdictions after the Rockland County Industrial Development Agency induced the project in the Spring of 2022. The terms of a PILOT will not be finalized until after SEQRA is complete. The fiscal impacts discussed in the Final EIS are identical to what has been shared to date and will serve as a guide if/when a PILOT is agreed upon. In addition, the pilot payments proposed are significantly higher than existing real property taxes being paid on the property. This additional tax revenue to all the taxing jurisdictions are anticipated to offset any potential increase in service costs.

## III.N Construction

### *Comment III.N.1*

The DEIS does not address construction debris that will be created by the demolition of the existing facility. In accordance with the Rockland County Solid Waste Management Plan, C&D materials generated by the demolition of the existing structures should be reused and recycled to the greatest extent possible.

(Correspondence #8, Letter from Douglas J. Schuetz, Acting Commissioner, Rockland County Department of Planning, dated 5/8/23)

### *Response III.N.1*

The applicant will comply. For example, the applicant intends on crushing onsite concrete to utilize as fill (RCA) on the property. It is noted that demolition, which was not subject to SEQR, has already occurred in consultation with the Suffern Building Department.

## IV Alternatives

### *Comment IV.1*

Description of potential access NYS Thruway via Dunnigan Drive should be more fully described in the fourth paragraph or as a separate alternative access route. Possibly describe any required improvements to Dunnigan Drive and how access to NYS Thruway would occur with vehicles travelling on Dunnigan Drive east to N. Airmont Road.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### *Response IV.1*

Dunnigan Drive between Hemion Road and Manhattan Beer Distributors is privately owned by Raymour & Flanigan. Potential Access through Dunnigan Drive would require an acquisition of Right of Way from Raymour & Flanigan. This private portion of Dunnigan Drive would have to be widened to permit tractor trailers as the current width of the private roadway is less than 30 feet. It is approximately 24 feet wide. Additionally, the roadway would have to be modified to smooth out the tight turning radii as well as improve the grading to accommodate tractor trailers. Supplemental permitting would be required through NYSDEC for widening the roadway over regulated streams. Disturbances to the bed and banks of Class C streams are not regulated by NYSDEC under the NYSDEC Protection of Waters Program; however, excavation and fill associated with installation of a new culvert to support a widened roadway are regulated under the program.

Further, the NYS Thruway Authority has stated that it does not propose to fund new interchanges or modifications to existing interchanges absent a traffic operating issue on the Thruway itself (see DEIS Appendix T). For these reasons, the Applicant represents that access to/from NYS Thruway via Dunnigan Drive is not a viable option.

## **V Adverse Environmental Impacts That Cannot Be Avoided**

### ***Comment V.1***

As a general comment, the amount of land being disturbed is not an impact that cannot be avoided – the project could be resized to allow for less disturbance. Table V-1 should be characterized as a summary of the impacts, not those which can be avoided.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### ***Response V.1***

The project cannot be resized to allow for less disturbance as this proposal meets the goals and objectives of the Applicant.

## **VI Irreversible and Irretrievable Commitment of Resources**

No comments were received on this section of the DEIS.

## VII Growth Inducing Impacts

No comments were received on this section of the DEIS.

## VIII Effects on the Use and Conservation of Energy Resources

### ***Comment VIII.1***

Although described in the Project Description, no mention is made regarding the use of solar panels on the rooftops of the building. There should be a commitment to installing these – this section should include all those measures described in the Project Description.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### ***Response VIII.1***

As stated in the DEIS, the warehouses have been designed to accommodate the load standards for solar capabilities on the roofs.

The tenants of the proposed warehouses would be responsible to choose solar batteries over natural gas for the HVAC and hot water.

### ***Comment VIII.2***

Please show the location of the EV charging stations on the site plan.

(Correspondence #10, Letter from Nelson Pope Voorhis, dated 5/23/23)

### ***Response VIII.2***

Fifteen (15) electric vehicle charging stations will be installed. Ten (10) will be near Building 1, three (3) near Building 2, two (2) near Building 3. The location of the EV charging stations will be shown on the final site plans.