

### **3.2 SURFACE WATER RESOURCES COMMENTS AND RESPONSES**

**Comment 3.2-1 (Letter #4: Sheldon Bellovin, December 2, 2008):** The amount of pollutant residues that will come off the automobiles and their tires, running off on these roads that will be draining onto our lands and eventually getting into the many lakes surrounding our beautiful area. This residue will also eventually drain into our drinking water and lakes and destroy them.

*Response 3.2-1: The discussion of potential adverse impacts on receiving waters (wetlands and watercourses) included in the DEIS/DGEIS concluded that those impacts were associated solely with changes in stormwater characteristics during and following construction. The DEIS/DGEIS further concluded that the potential impacts on water quality would be mitigated, in part, through implementation of the Erosion and Sediment Control Plan included in the Rock Hill Stormwater Pollution Prevention Plan (SWPPP) included as Appendix C of the DEIS/DGEIS and Appendix F of this FEIS. The Erosion and Sediment Control Plan identifies specific measures, including a detailed construction phasing plan that will mitigate potential impacts on surface water resources by preventing erosion and subsequent sedimentation of wetlands and watercourses on and off the project site during construction.*

*The revised project layout (having a reduced commercial footprint) and stormwater management system have been specifically developed to reduce post-construction pollutant loads from the site to at or below pre-development levels. The on-site stormwater will be treated by a series of stormwater management ponds, as shown on the plans that accompany this FEIS, that will mitigate potential impacts on surface waters associated with post-construction increases in pollutant loading from the project site.*

*Pollutants from parking lots are, in large part, derived from parked cars. Many of these cars will be parked somewhere in the larger watershed everyday. The stormwater runoff from the proposed parking lots will be treated in accordance with New York State standards. Unlike those parked at the residences and retail shops on the project site, cars parked at older residences, and retail facilities, built before stormwater regulations were in place will generate pollutants that may not be treated prior to entering the environment. The stormwater management practices proposed as part of the Rock Hill Town Center project have been designed to comply with NYSDEC standards.*

**Comment 3.2-2 (Letter #4: Sheldon Bellovin, December 2, 2008):** In my opinion this project has such potential impacts to all nearby rivers and tributaries both regional and statewide.

*Response 3.2-2: Refer to response 3.2-1. The DEIS/DGEIS identified and documented potential impacts relating to stormwater and surface water resources. The project specific SWPPP provides a means to effectively mitigate significant adverse impacts to surface water resources resulting from project related runoff both during and after construction.*

**Comment 3.2-3 (Letter #5: John Konefal, President, Wanaksink Lake Club, undated):** Our first concern is that the proposed new 'Rock Hill Center' development has noted that they wished to use the Fowlwood Brook as a means of water egress for their sewage treatment plant. Our concern is that this could jeopardize our emergency evacuation plan if they alter the Fowlwood Brook in any way. Also, I don't believe that the new development management

knows that our plan exists since they are planning on building along the Glen Wild Road and not considering those local residents that are within our flood plane.

*Response 3.2-3: Refer to Comment 3.2-4 for a direct response from the NYSDEC regarding the wastewater effluent. This project does not propose any changes or alterations to Fowlwood Brook.*

**Comment 3.2-4 (Letter #6: Peter J. Connery, P.E., Environmental Engineer, NYS Department of Environmental Conservation, October 30, 2008):** The discharge of the effluent from the developer's sewage treatment plant will require a DEC permit. The flows associated with a plant of this type are normally small. This flow should not have an impact on your EAP. I would advise the Town's Planning Board that the EAP exists, that the community has a copy, and request that any changes in the EAP that are necessary because of the development should be borne by the developer.

*Response 3.2-4: The Applicant acknowledges that NYSDEC permits will be required for the operation of the proposed wastewater treatment plant. While the Applicant is willing to work with the Town and with the Wanaksink Lake Club should revisions be needed to the EAP (emergency action plan), the need for changes to the EAP resulting from the final project plans are not anticipated. Should changes be needed, the Applicant will work with the all responsible parties to fully and adequately address any issues that remain between the EAP and project once the plans are finalized. The Applicant will continue to work with all regulatory and reviewing agencies to comply with all legal requirements.*

**Comment 3.2-5 (Letter #6: Peter J. Connery, P.E., Environmental Engineer, NYS Department of Environmental Conservation, October 30, 2008):** We have discussed the fact that the Town of Thompson is in the National Flood Insurance Program, the town needed to enact laws that limits/controls development in a flood zone. Fowlwood Brook is situated in a flood zone. This should be explored further. I have enclosed a portion of Flood Insurance Rate Map that is pertinent to the area you described to me for your use.

*Response 3.2-5: Comment noted. Refer to Figure 3.2-1 for a depiction of the proposed development superimposed on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) which indicates Fowlwood Brook and the associated 100 year flood plan (Zone A). The Wastewater Treatment Facility, which has been relocated to the west side of Glen Wild Road, is not within the 100 year flood Plain.*

**Comment 3.2-6 (Letter #7: John Konefal, President, Wanaksink Lake Club, undated):** Our second grave concern has to do with the Wanaksink Lake Emergency Action Plan (EAP), drawn by engineers, reviewed by the DEC and filed with the Town Supervisor. That plan clearly shows that breached waters would end up in the rock hill Town Center construction site. According to the development maps, buildings and also the proposed area of the developments sewage treatment plant would be inundated with water. Attached is a copy of the developers site plan with an overlay of our inundation map showing the flow of water. Therefore not only would the spillway from the Wanaksink Lake dam destroy homes and endanger lives but it would also likely wash out the sewage treatment plant causing polluted waters to travel even further downstream through other residents property and eventually into the Neversink River. Also, the Town of Thompson is in a National Flood Insurance Program with flood maps on file in the Town Building Department Office. A review of these maps would show that the area of

Fowlwood Brook in Glen Wild, is in that flood zone. Therefore we are requesting that Wanaksink Lake be indemnified by the developer, for the life of the development, if any emergency water flow causes damage to their structures, any other structures or sickness or death to any person anywhere downstream of the development.

**Response 3.2-6:** *Figure 3.2-2, Wanaksink Lake Dam Inundation Map shows the approximate boundary of the inundation water. As shown, the treatment facility is now located on the west side of Glen Wild Road entirely outside of the inundation zone.*

*It should be noted that there is no requirement to restrict development of any project to areas entirely outside of an inundation zone. If required, the Applicant will work to move the proposed development units outside of the inundation zone.*

*The Applicant is committed to working with the Town in order to develop a plan to minimize the potential for damage to the Proposed Action resulting from a breach in the dam.*

*It is noted that the operation and maintenance of the dam is the responsibility of the Wanaksink Lake Club and further that the dam's flood potential if breached, should not preclude the project site from development. Further, the Applicant has no intention to indemnify the Wanaksink Lake Club from adverse impacts associated with emergency water flows associated with the Wanaksink Lake Club.*

*Refer to Response 3.2-5 for text regarding the FEMA Flood Map and Response 3.1-1 regarding insurance for blasting.*

**Comment 3.2-7 (Letter #10: Susan Roth, AICP, Hudson Valley Planning and Preservation, December 9, 2008):** According to letters received by the Wanaksink Lake Club, Fowlwood Brook is situated within a flood zone for the Wanaksink Lake Dam. It appears that the proposed wastewater treatment plant and small portions of the proposed Glen Wild townhouses and proposed commercial development are also located within this zone. A letter dated October 30, 2008 from NYSDEC representative Peter Connery advises the Town Board to limit/control development within the flood zone. The location of this floodzone was not discussed in the DEIS in this section, nor the impacts of the wastewater treatment plant and development within the areas subject to flooding as described in the dam's Emergency Action Plan (EAP).

**Response 3.2-7:** *Refer to response 3.2-5.*

**Comment 3.2-8 (Letter #14: James Gollner, December 30, 2008):** The west side of the proposed development runs along the back of our properties on Edwards Road. Edwards Road is on the Neversink River, which means we who live down on this road are on the floor of the Neversink river valley. In times of substantial rain, we are caught between the river (which rises and sometimes floods over the road and onto our properties), and run-off from the hillside up in back of our properties. This run-off from the hillside can be substantial, and often collects in our backyards and becomes problematic.

**Response 3.2-8:** *As documented in the SWPPP developed for the Proposed Action and as required by State Law, the rate of stormwater runoff in the developed condition will*

*not exceed that of the current condition. As such, the rate of future runoff from the hillside will be similar to or less than that which occurs under current conditions.*

*This will be achieved as follows. Post development stormwater runoff will be collected in catch basins and underground piping and directed to the proposed stormwater ponds. Drainage swales will be installed on the downhill side of the western most homes to direct stormwater to the ponds. This design will reduce the current amount of sheet flow off the site and direct it to specific outfall locations (i.e. pond outfalls).*

*The stormwater ponds are sized to result in the State required "no net increase" in stormwater runoff discharge rates between the existing and build conditions for the 1-100 year storm events. This is achieved by storing water in the ponds and releasing it over an extended time period. Outlets for the stormwater pond will be directed to existing drainage swales. The rip rap at the pipe outlets will be sized to dissipate flows to a non-erosive velocity thereby eliminating the potential for scour or bed and bank erosion. Emergency spillways for the ponds will also direct the runoff in the larger storms toward existing drainage swales. Prior to submitting the construction plans to the Planning Board and NYSDEC, stormwater runoff will be further analyzed to determine the feasibility of directing a portion of the volume to the eastern side of the property. The fact that a ridge runs north to south through the property may make this difficult.*

**Comment 3.2-9 (Letter #14: James Gollner, December 30, 2008):** On the site map there is a section of the development titled Upper West Side. This Upper West Side area shows four (4) storm-water collection ponds, all of which are on the western edge of the development, and all of which appear to be on the down-hill side [that is, on our side] of the ridge of the hill up in back of our homes. In fact, two of these collection ponds seem to straddle my property up behind me. Then, in another section of the development titled Lower West Side, there are three (3) storm-water collection ponds poised along the back of other Edwards Road residents' properties. We are extremely fearful of what may happen when all the run-off from large sections of the development are funneled into these storm-water ponds. Where will the water in these ponds drain or seep out to, and what will happen if they should overflow?

**Response 3.2-9:** *Refer to response 3.2-8. Stormwater runoff rates will not be higher than the existing condition. All runoff in the developed condition would be discharged to existing drainage channels. All proposed stormwater management facilities, including the ponds mentioned in the comment are located on the property site and do not extend beyond the property boundaries. The stormwater ponds are designed as wet ponds with a permanent pool as per NYSDEC regulations and designed to safely convey the 100 year, 24 hour storm event at pre-developed discharge rates via the outlet control structure.*

**Comment 3.2-10 (Letter #14: James Gollner, December 30, 2008):** These issues are of enormous concern to us, as we already have water run-off issues without the hill in back of us being developed. We are urging that the development be shifted Eastward slightly, and the stormwater run-off ponds be relocated so that the sensitive hillside behind us will remain untouched, and not become a potential danger to us.

**Response 3.2-10:** *Refer to response 3.2-9.*

**Comment 3.2-11 (Letter #17: Michael Merriman, NYSDEC, January 23, 2009):**

1. The proposed SE controls for Small Home Sites is inappropriate for this project. The plans for small single residential lots “apply to small home site construction activity on a single residential lot” not on a subdivision proposing 1340 ++ facilities.
2. A five (5) acre limit on exposed land needs to be delineated on the site plan, and a construction sequence for each phase needs to be shown on it.
3. Is there any demolition of existing structures? If so, it must be included within SWPPP and in construction sequence.
4. A detail sheet for all pre & post-construction measures must be included on the Site Plan.
5. A narrative should be provided briefly detailing how each sub-shed is being treated for both pre & post-construction runoff.

***Response 3.2-11:*** Generally, the items noted in the comment will be added to the final design drawings prior to the submittal of the Notice of Intent to the NYSDEC. All of the above are required to be included at the time of submission of the NOI to NYSDEC.

*Specifically, the following responses are offered:*

*1. This was included to show the typical layout that will be used in designing the Erosion and Sediment Control for each home during the final design stage. A site specific Erosion and Sediment Control for the phases of construction meeting NYSDEC standards and specifications shall be included in the final design documents. These documents will be reviewed by the NYSDEC as a part of the Applicants' permit application submittal.*

*2. The final Erosion and Sediment Control Plan will delineate the construction sequence and each five (5) acres that is to be disturbed at a time.*

*3. A step has been included in the Implementation Schedule of the Draft Stormwater Management and Pollution Prevention Plan to address the demolition of existing structures.*

*4. The detail sheets will be included in the final design plans once the Proposed Action has progressed to a point where the Applicant is seeking final approvals from the town planning board .*

*5. A narrative will be provided in the final Stormwater Management and Pollution Prevention Plan.*

**Comment 3.2-12 (Letter #17: Michael Merriman, NYSDEC, January 23, 2009):**

1. Temporary settling basins/traps must have a de-watering device, and the forebay must have a sediment marker indicating level for sediment removal.
2. It must be demonstrated temporary settling basins/traps are capable of holding 3600 cf (cubic feet) per acre drained.
3. Temporary roads must be stabilized early in the construction sequence & be in accordance with NYS standards.

4. Soil matting must be indicated for all slopes greater than 1:3.
5. It appears some of the ponds are short circuited. Longer flow paths are the intent. A berming type measure such as gabions or aquatic benches dividing the inflow & outflow would be acceptable.

**Response 3.2-12:** Refer to response 3.2-11.

1. A sediment marker and de-watering device detail will be shown on the Erosion and Sediment Control Plans at the time of submittal of the NOI to DEC for each phase of construction.

2. Sediment basins will be designed to be capable of holding 3600 cf per acre drained will be shown on the Erosion and Sediment Control Plans at the time of submittal of the NOI to DEC.

3. A step has been included in the Implementation Schedule of the Draft Stormwater Management and Pollution Prevention Plan and a detail will be shown on the Erosion and Sediment Control Plans.

4. Soil matting will be called out on the Erosion and Sediment Control Plans where slopes greater than 1:3 will be constructed.

5. The proposed ponds shall incorporate physical features as to prevent the short-circuiting of the flow path within the ponds. The Final design documents will detail the ponds constructions including the construction of berms and benches to elongate the flow path within the stormwater management facility.

**Comment 3.2-13 (Letter #17: Michael Merriman, NYSDEC, January 23, 2009)** 1. It is unclear where the dry swale(s) are located. 2. It must be indicated the dry swale(s) do not come on line until the contributory area been stabilized.

**Response 3.2-13:** Dry swales would be located along the new Town roads and behind the newly constructed residences. It is not planned to have these swales online until all contributory areas have been stabilized as noted in the SWPPP.

**Comment 3.2-14 (Letter #17 Michael Merriman, NYSDEC, January 23, 2009):** 1. Access roads to all long term stormwater measures must be clearly indicated on the Site Plan. 2. There must be a maintenance schedule for any long term stormwater measure proposed (P1 & dry swale, & others, if pertinent).

**Response 3.2-14:** The access roads and a maintenance schedule have been added to the revised SWPPP.

**Comment 3.2-15 (Public Hearing, James Gollner, December 10, 2008):** My concern actually is about drainage. Myself and the other local residents of Edwards Road, we have enough to contend with as it is. When we have rain for several days my property gets a lot of water on it and becomes kind of a problem. I'm able to deal with it as it now stands. My concern is this whole side and here, it goes down to the river. There seems to be three stormwater drainage ponds. And I think -- I know these two are. These two actually flank my property. Now, when water is, which, as this gentleman stated, being run off onto roadways, rooftops whatever, and it's all channeled into a few places, instead of the ground soaking this in and us on the Edward's Road having to contend with just the runoff from the hillside, we're going to have that

hillside runoff along with the accumulated buildup if these storm ponds either overflow, or there has to be a way to channel out that water. And so we're all very concerned about this.

**Response 3.2-15:** *Refer to responses 3.1-5, 3.2-8 and 3.2-9.*

**Comment 3.2-16 (Public Hearing, Harry Scarano, December 10, 2008):** Secondly, the hemlock forest that Jim was talking about is old and vast and rather rare in New York State. It shouldn't be cut down for any reason. The water that's going to flow off this place is going to go into these pools here and it's going to go into the Fowlwood Brook, which I believe is off here. It runs into the Neversink River and it's going to bring a lot of sediment and brown water and turbidity, as it's called. And it's going to foul up the Neversink River and the habitat for the small creatures, the little creatures that live in there on which the trout and other fish and things exist from.

**Response 3.2-16:** *The proposed stormwater ponds have been designed for water quality treatment. During construction they will retain sediment laden waters to allow for the material to settle out. Post-construction, those ponds include forebays and designed detention times to allow for pollutant settling and uptake prior to discharge to the existing waterbodies.*

**Comment 3.2-17 (Public Hearing, Susan Roth, December 10, 2008):** As noted, neighbors that are downhill near the Neversink River are concerned about erosion impacts. And they've also said at the Association meetings that there are times when the property is fairly well inundated with water.

**Response 3.2-17:** *Refer to responses 3.1-5, 3.2-8 and 3.2-9.*

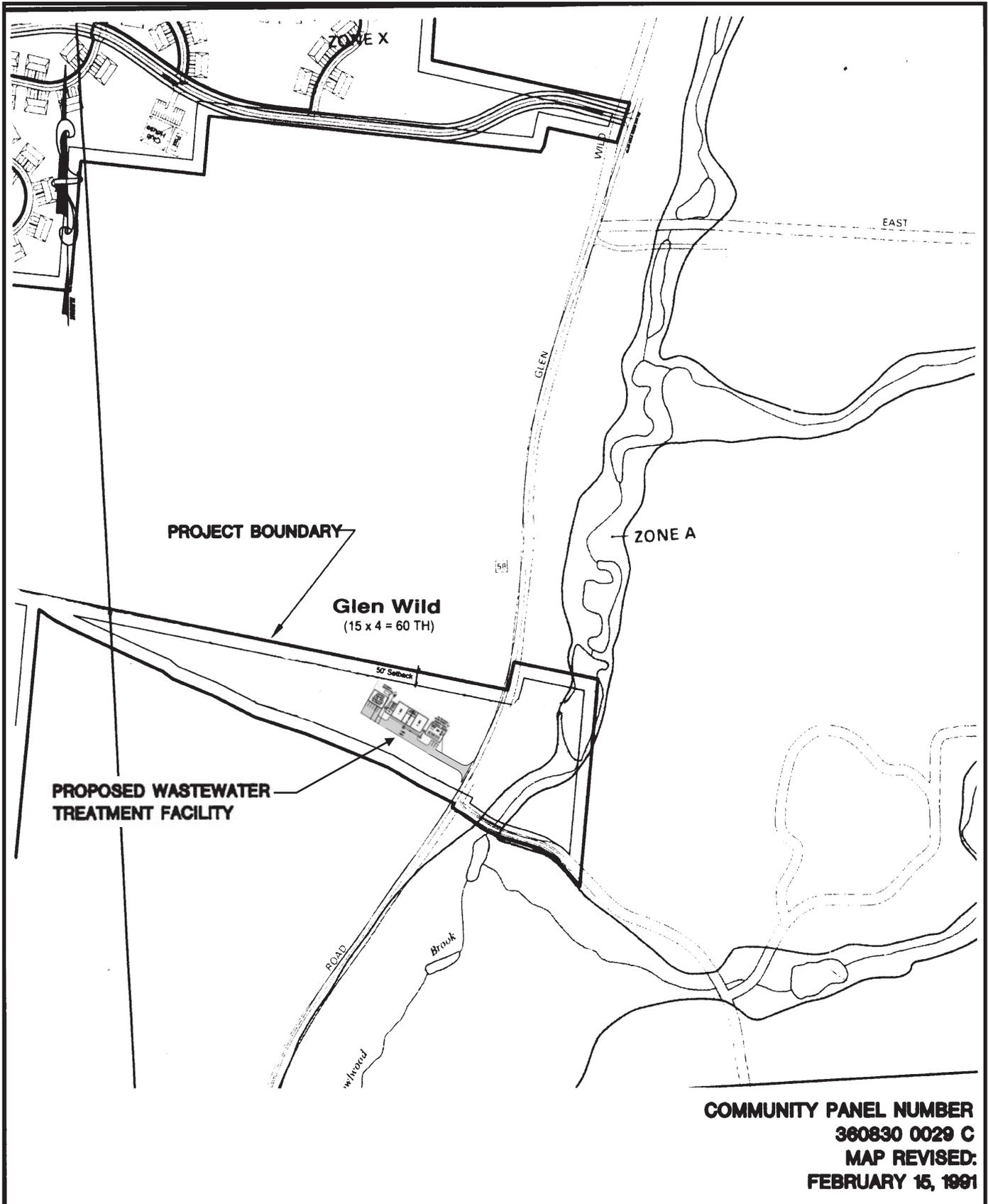
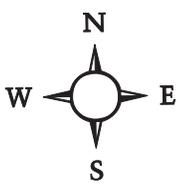


Figure 3.2-1: FEMA Flood Insurance Rate Map  
 Rock Hill Development  
 Town of Thompson, Sullivan County, New York  
 Source: Keystone Associates



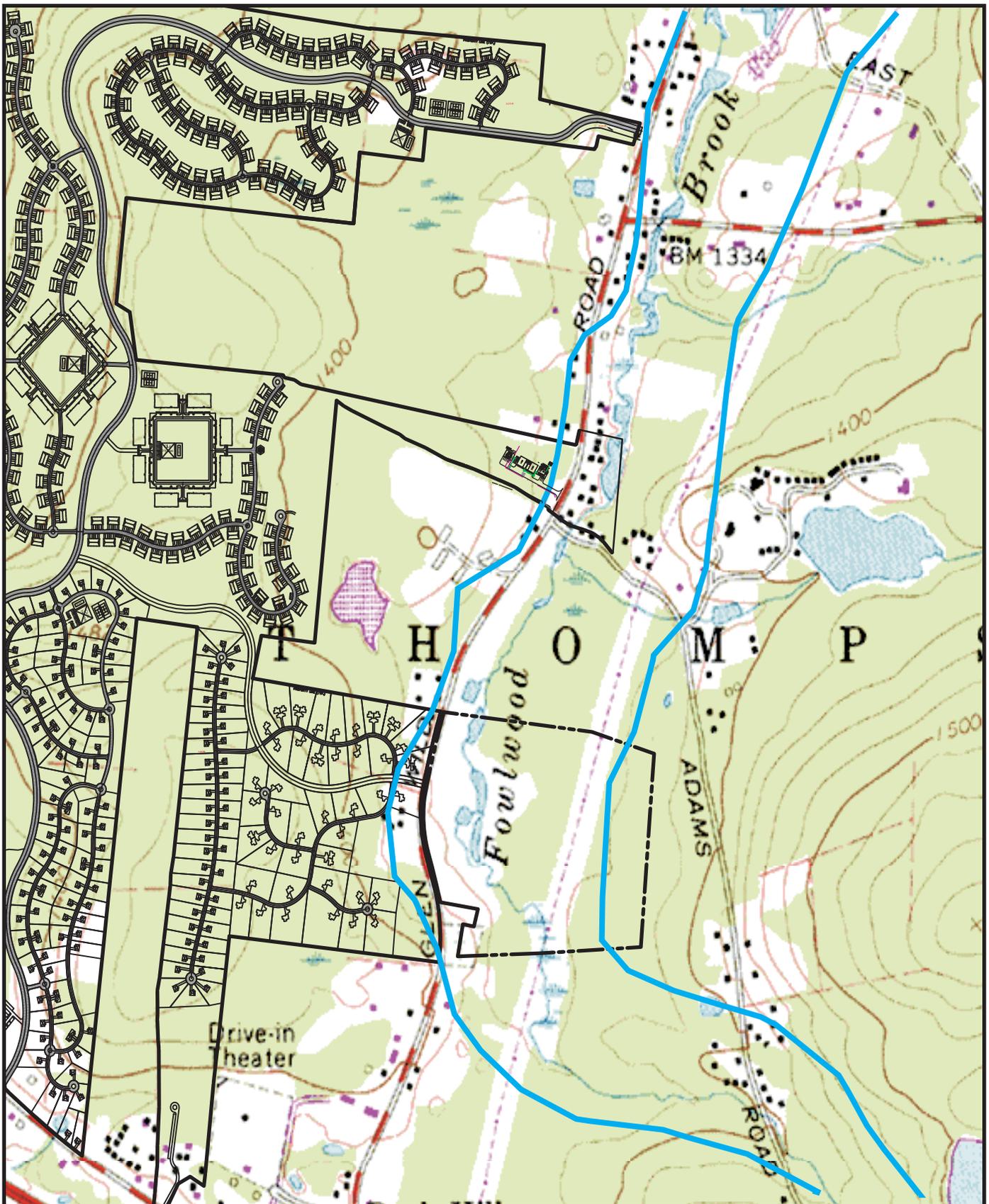


Figure 3.2-2: Wanaksink Lake Dam Inundation Map  
 Rock Hill Development  
 Town of Thompson, Sullivan County, New York  
 Source: Keystone Associates

