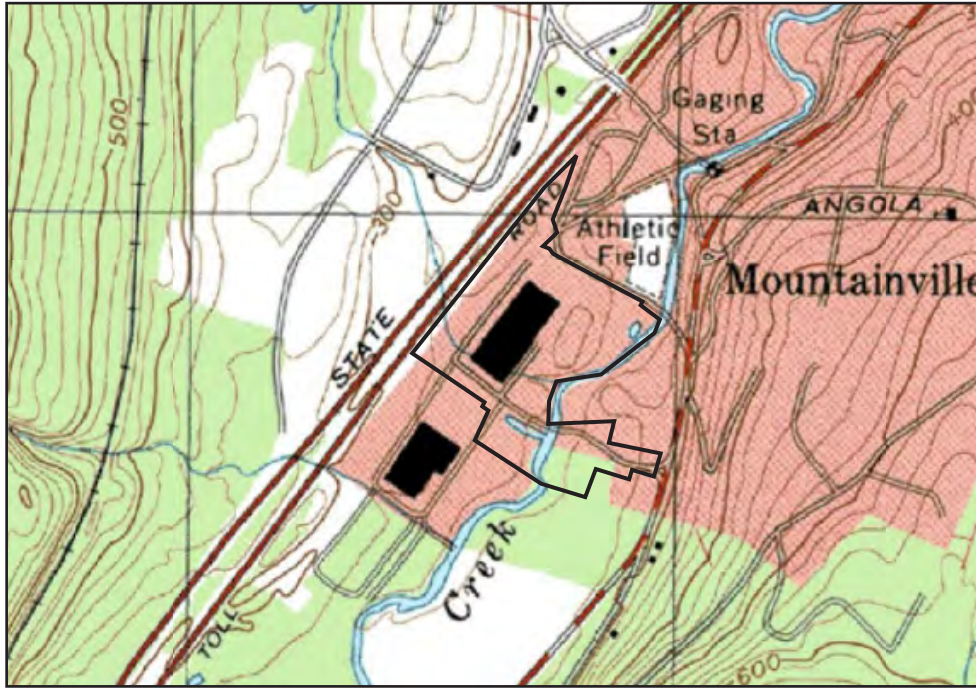


FINAL ENVIRONMENTAL IMPACT STATEMENT



STAR WAREHOUSE EXPANSION

20 Industry Drive
Town of Cornwall, Orange County, New York

Lead Agency:
Town of Cornwall Planning Board

Prepared by:
Tim Miller Associates, Inc.

March 7, 2024

FINAL ENVIRONMENTAL IMPACT STATEMENT

STAR WAREHOUSE EXPANSION

20 Industry Drive
Town of Cornwall, Orange County, New York

Lead Agency: Town of Cornwall Planning Board
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Lead Agency Acceptance Date: October 2, 2023

March 7, 2024

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1.0 SUMMARY

This document is a Final Environmental Impact Statement ("FEIS") prepared in accordance with the New York State Environmental Quality Review Act ("SEQR") and its implementing regulations, 6NYCRR Part 617. The FEIS provides the lead agency's responses to substantive comments received on the Draft Environmental Impact Statement ("DEIS"). The lead agency for this action pursuant to SEQR is the Town of Cornwall Planning Board. The project sponsor, Cornwall Properties, LLC, proposes 50,000 square foot expansion to an existing 185,835 square foot warehouse, on a 36.9-acre lot located at 20 Industry Drive, in the Town of Cornwall, Orange County, New York.

The SEQR documents have been prepared to assess potential impacts of the building program for consolidation as outlined in the DEIS Project Description and summarized below.

The Final Environmental Impact Statement consists of this volume and the Draft Environmental Impact Statement ("DEIS"), which is hereby incorporated by reference as part of this FEIS.

On January 3, 2017, the Town of Cornwall Planning Board, acting as SEQRA Lead Agency, designated the site plan and Special Permit application as a Type 1 Action and adopted a Positive Declaration for the Star Warehouse Expansion. The Notice of Positive Declaration was circulated to involved and interested agencies at that time. Limited review of the application occurred until the Scoping process in 2020.

The applicant submitted a draft Scoping Document to the Planning Board in July 2020. A public scoping meeting on the Scoping Document was held on October 5, 2020. The Scoping Document was reviewed and modified by the Planning Board and adopted on November 2, 2020.

The DEIS prepared for the proposed action was dated November 30, 2022. The Town of Cornwall Planning Board held a public hearing on the DEIS on January 3, 2023, at which time public comments were received and the hearing was closed. The public comment period remained open for the lead agency to receive written comments through January 17, 2023. Six written comment letters or e-mailed comments on the DEIS were received.

In accordance with SEQR, this FEIS provides written responses to the substantive and relevant comments received on the DEIS by the lead agency during the public comment period. A transcript of the DEIS public hearing and a complete copy of the written comments received are included in Appendix A of this FEIS.

Project Description

The proposed warehouse expansion would involve the construction of a 50,000 square foot addition to an existing 185,835 square foot warehouse. The addition would involve the northeast end of the existing building, generally extending the footprint of the existing building to the northeast (see DEIS Figure 2-3 – Warehouse Expansion Plan and Figure 2-4 Warehouse Expansion Grading Plan).

The area proposed for the expansion is a flat vacant field, partially gravel covered. The existing building is 20 feet in height and the addition is proposed at 40 feet in height. The increase in height is proposed to accommodate current warehouse operational activity and equipment, since the original building was constructed in the 1950's.

Four new loading docks would be constructed at the western side of the building facing Interstate 87. New pavement and a turning area for trucks would be constructed west of the loading area. Improvements to the existing facilities would include the replacement of an existing unpaved emergency access drive with a relocated emergency access drive to Star Road / Creamery Hill Road. The emergency access drive will be 20 feet in width and provided with and locked gate at its intersection with Star Road / Creamery Hill Road. The Town Fire Department and other emergency service providers will have a key to the gate.

A new stormwater management basin is proposed on the north side of the new building addition adjacent to Creamery Hill Road. A total of 14 new parking spaces will be added connected with the building addition and eight new parking spaces added on the eastern side of the building (total of 22 new parking spaces). No additional employees are anticipated as a result of the expansion, since the space is necessary for additional storage.

The area around the warehouse addition and new stormwater management basin near Creamery Hill Road will be landscaped and planted with native grasses, shrubs, and trees. A Landscape Plan is provided with the Site Plan drawings (see Attached). Ornamental and native trees will be planted at the front of the new addition and in the area between the stormwater basin and Creamery Hill Road. The landscaping will soften the views of the warehouse addition from Creamery Hill Road and from Interstate 87.

Industry Drive is a shared commercial access drive with the adjoining 19 Industry Drive property. As part of the proposed expansion, Industry Drive would be resurfaced in its existing footprint. The existing guiderail that runs along Industry Drive near Woodbury Creek will be replaced. The existing Industry Drive entrance will be reconstructed as part of the project. The entrance currently has an island with a facility entrance sign. The Island will be removed and curbing added to make the entrance safer and more efficient for trucks and passenger vehicles. The facility sign will be replaced and moved to the south of the entrance. A detail for the entrance improvements is provided on Sheet 7 of the Site Plan drawings.

A new sign is proposed internal to the site to direct truck drivers and visitors to either 20 Industry Drive or the adjoining 19 Industry Drive building south of the site. This sign on the eastern portion of Industry Drive will not be visible to drivers on local roads

The proposed expansion would improve the fire safety conditions for the entire 20 Industry Drive facility, including the existing portions of the warehouse. These improvements are further described in Section 3.9 Emergency Services of the DEIS. Improvements would include the construction of a new 250,000-gallon water tower at the southern edge of the property, the provision of new fire safety pumps and extending piping and sprinklers to all portions of the warehouse building both for the existing space and in the new addition. The fire safety improvements would be constructed to NYS Building Code standards. No changes or upgrades to the existing water supply well or the existing septic system are proposed.

The long-term maintenance of the shared facilities between the project sponsor (Star Warehouse) and the adjoining 19 Industry Drive property will continue to be subject to the filed "Reciprocal Easement, Right-of-way and Maintenance Agreement" described above and provided in Appendix C of this FEIS. The warehouse expansion does not change the access and maintenance agreements between the two properties. It is the intent of the applicant to construct upgraded emergency water supply storage with a new storage tank and pumping

equipment to provide service for 20 Industry Drive. Current plans do not provide for fire service water supply to the adjacent 19 Industry Drive property.

Plan Changes Since Adoption of the DEIS

The Site Plan and development program have been updated since the circulation of the DEIS on November 30, 2022, based upon comments from the Town of Cornwall Planning Board, its consultants, and the public. Changes to the plans include the following:

- Landscaping has been enhanced in the area between the proposed building addition and Creamery Hill Road and around the proposed loading dock area. Additional evergreen trees, deciduous trees, and shrubs will soften the appearance of the building addition from Creamery Hill Road and from Interstate 87.
- A Construction Management Plan will be prepared to address Planning Board and Public concerns about on-site soil contamination and potential impacts related to soils from construction. The Construction Management Plan will be prepared by the project environmental engineer (TRC Engineers, Inc.) and will be reviewed by the Planning Board and NYSDEC. The Construction Management Plan will include: 1) Community Air Monitoring Program during construction, 2) on-site screening, sampling, and testing of excavated soil for off-site disposal, and 3) the installation of a Subsurface Slab Depressurization System under the slab of the new building addition.
- The existing water storage tank will be removed from the site. Based upon comments from the Planning Board, Building Inspector and Planning Board consultants, the applicant has agreed to dismantle and removed the in-operable existing water tank from the site. The tank will be removed as part of the proposed warehouse expansion construction.

2.0 PROJECT DESCRIPTION COMMENTS AND RESPONSES

Comment 2-1 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): What is to occur in the area of "new pavement" opposite the proposed loading bays? Will anything, including vehicles, shipping containers or machinery be stored or parked in this area?

Response 2-1: The new pavement area is provided only for truck access to the new loading docks. No vehicles, containers or machinery will be stored in the pavement area. No parking will be allowed in this area.

Comment 2-2 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): Will warehouse operations continue while the building expansion is under construction?

Response 2-2: Yes. Warehouse use will continue during construction. It is likely that the existing northern building wall will be maintained until the new addition is enclosed and weather proof.

Comment 2-3 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The applicant should confirm that construction vehicles will only enter and exit the site via Industry Drive.

Response 2-3: All construction vehicles, including deliveries and workers will enter and exit the site via Industry Drive. A previous plan that showed a construction entrance on Creamery Hill Road has been revised, and that construction entrance removed.

Comment 2-4 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): A new monument sign is provided which appears to be consistent with zoning in terms of size and location. It is not clear from the plans if sign lighting is proposed. This should be noted on the plans or sign detail.

Response 2-4: The proposed sign will not have lighting, since the warehouse is typically operated during daytime hours.

Comment 2-5 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The site plan (Sheet 1) provides a call out that shows the existing entrance sign to be reconstructed. The call-out on this sheet should identify the location of the proposed sign which is now to the south of the main site entrance because the existing island is to be removed.

Response 2-5: The NYSDOT Entrance Plan shows details of the new sign location. This location or reference has been added to Sheet 1.

Comment 2-6 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): What is to occur with the existing emergency access path to Star Road? This should be identified on the Site Plan.

Response 2-6: The existing emergency access drive is a gravel road which will be removed and that area will be landscaped (see Drawing 3).

Comment 2-7 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): No truck turning analysis was provided in the plan set. Emergency vehicle access was one of the main concerns from the Town Fire Inspector. This analysis should be provided and should show access around the building as well as into and out of the proposed emergency access road with trucks parked in the loading bays.

Response 2-7: Truck turning analysis is provided on Drawing 10.

Comment 2-8 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): Sidewalks should be provided around the proposed portion of the building to the egress doors.

Response 2-8: No sidewalks are provided at the northern side of the building since those doors are for emergency egress only and will not be routinely used.

Comment 2-9 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): It appears some of the proposed plantings on the landscaping plan are outside of the identified disturbance line.

Response 2-9: The disturbance line has been modified to encompass the Landscape Plan planting area (see Drawing 4).

Comment 2-10 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The property line on the landscaping plan should be identified and should be a different line weight than the grading contour lines.

Response 2-10: The property line on the Landscape Plan has been identified and is a different line type (see attached Landscape Plan).

Comment 2-11 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): Section 158-41.1 of the zoning code requires all special permit uses which abut or are within 300 feet of or are set back 300 feet from any lot line of any residential use or district shall be reviewed by the Planning Board to determine if a buffer area is required.... Any special permit use for which a buffer is required shall provide a buffer of not less than 50 feet in width suitably landscaped and screened based on the existing vegetation and topography satisfactory to the Planning Board. This regulation is applicable to this property as the site directly abuts several residential dwellings on both Creamery Hill Road and Ketchum Road. While it appears from the landscaping plan that the building does sit at least 50 feet off the property line abutting residential uses this buffer should be labeled on the plan.

Response 2-11: The 50-foot buffer is provided on the updated Landscaping Plan (see attached).

Comment 2-12 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The vegetation proposed in this buffer area is minimal. This is partly due to the location of the stormwater pond, but we suggest mixing in at least one species of evergreen tree into the species used and adding trees on both sides of the emergency access to Star Road as well as between the thruway and loading dock area as its clear from the visual impact analysis this area significantly impacts views from Schunnemunk Mountain State Park.

Response 2-12: The proposed landscaping plantings have been expanded in both area and in numbers, as shown in the attached Landscape Plan. Blue Spruce, White Spruce and Eastern Red Cedar trees have been added to the proposed plantings. Trees and vegetation have been added to both sides of the proposed emergency access road and on the west side of the new loading dock area adjacent to the Thruway.

Comment 2-13 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The land banked parking plan should have a summary table that lists existing parking, proposed parking to be constructed, proposed land banked parking and total requirement under zoning.

Response 2-13: A table has been added to the Land Banked Parking Plan, as outlined above (see Drawing 8).

Comment 2-14 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): Proposed lighting should be shown on the site plan and a detail should be provided.

Response 2-14: A Lighting Plan has been provided as Drawing 5.

Comment 2-15 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The document was filed with the Town Planning Clerk on 12/14/2022. The SEQRA regulations require a 30 day public comment period on the DEIS which must include a minimum of 10 days following the closing of the public hearing. Based on the date of filing, we recommend the comments on this document be accepted through at least Tuesday January 17th (because the 14th is a Saturday and Monday the 16th is a holiday).

Response 2-15: Comment noted.

Comment 2-16 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 2.1.1 states that dumpsters will be located in designated locations. Said locations should be noted on the plans. Further, each dumpster should be located in a masonry enclosure.

Response 2-16: Existing dumpster locations are indicated on the plans. No new dumpster areas are proposed for the building expansion. The applicant has agreed to provide masonry enclosures for existing dumpsters and a detail is provided on the Site Plan drawings (see Drawing 7).

Comment 2-17 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 2.1.2 states that entrance improvements will be made to the shared commercial access drive known as Industrial Drive. The applicant has included a plan inset which identifies the work within the NYSDOT ROW. A plan indicating the extent of pavement into the site should be included in the plan set.

Response 2-17: The NYSDOT Entrance Plan includes the extent of pavement removal into the site.

Comment 2-18 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 2.1.5 notes the meeting held between the applicant's representatives, Central Hudson and the undersigned with regards to the transmission gas main located within the project disturbance. This section notes that excavation during the construction will be performed with a hydro-vac machine in the vicinity of the gas main. As discussed in the field, the applicant should perform test pits during design (with coordination with Central Hudson) to understand if the proposed grading can be accomplished without compromising the existing gas main.

Response 2-18: The Central Hudson gas main was located in the field on August 3, 2023 with representatives from Central Hudson, MHE Engineering, Pietrzak & Pfau Engineering and Tim Miller Associates, Inc. present. The gas main was exposed in three locations with a HydroVac, non-invasive soil excavator. The locations, ground elevation, and top of pipe elevations were surveyed by Pietrzak & Pfau. Those locations and elevations are shown on Drawing 3- Site Utility and Grading Plan of the Site Plan drawings. Following the survey, the excavations were backfilled with gravel.

Comment 2-19 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): As previously requested, the location of the existing septic disposal field should be located on the plans.

Response 2-19: The existing septic field for the warehouse is now shown on the Site Plan (see Drawing 2).

Comment 2-20 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): As previously requested, the size of the existing potable and fire water supply lines should be noted on the plans.

Response 2-20: The project fire safety consultant, Active Fire Protection, has indicated that the current water lines around the facility range from 6 to 10 inches in size. This information was based upon 1967 plans for the fire pond pump house. Pipe sizes around the building are not known. Active Fire Protection indicates minimum pipe sizes for the new fire protection service to the building will be 8 inches. Depending upon the size and condition of the existing pipe, new pipe lines to serve the building will be installed. Since the size of the existing potable and fire water supply lines were not confirmed by either excavation or the original as-built plans, the sizes are not shown on the current site plan drawings.

Comment 2-21 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): The applicant should note what is proposed with the existing water storage tank onsite.

Response 2-21: *Based upon comments from the Planning Board, Building Inspector and its consultants, the applicant has agreed to remove the existing in-operable water storage tank and properly dispose of the tank off-site. This work will occur as part of the proposed Star Warehouse expansion construction. Removal of the tank can be made a condition of final Site Plan approval.*

Comment 2-22 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): The applicant should provide truck turning diagrams for all proposed loading docks.

Response 2-22: *Truck turning diagrams have been provided for the loading docks, including for WB-67 trucks (see Drawings 11 and 12).*

Comment 2-23 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): The applicant should evaluate the existing “emergency access drive” to the northeast of the site for compliance with the NYS Fire Code.

Response 2-23: *The Applicant is proposing upgrades to the existing overall facility fire safety infrastructure, in addition to which includes the emergency access drive. The existing infrastructure is outdated and requires certain upgrades. It is beyond the scope of the Site Plan review process to evaluate existing infrastructure.*

Comment 2-24 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Our office has prepared the attached SWPPP comments for the applicant’s consideration.

Response 2-24: *Comment Noted. Comments on the SWPPP are responded to in this FEIS.*

Comment 2-25 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Our office is currently reviewing the Emergency Services section of the DEIS with comments forthcoming.

Response 2-25: *Comment noted.*

Comment 2-26 (Public Hearing January 3, 2023, Ms. O’Donnell): The area of new pavement on the site you can see there’s a significant amount of pavement directly opposite the loading dock, ... we’re asking for a little bit more information on what’s going on in that area.

Response 2-26: *See responses to comments 2-1 and 2-22.*

Comment 2-27 (Public Hearing January 3, 2023, Ms. O’Donnell): Whether the access roads that are being created the emergency access points, I want to confirm there will be no additional construction impacts on the adjacent properties.

Response 2-27: *Emergency access road improvements are either on the property or within the public road right of way of Creamery Hill Road. The emergency access roads (existing or proposed) will not be used for construction traffic. All construction traffic will use Industry Drive to enter and exit the site.*

Comment 2-28 (Public Hearing January 3, 2023, Ms. O'Donnell): The monument sign on Star Road, it's shown on the existing conditions, it's shown still dashed on the site plan so it is not clear what's going to occur within a post construction, if it's going to be removed or seeded and grassed.

Response 2-28: *It is shown as dashed lines to indicate where the site is under existing conditions. The area will be paved as part of the new driveway. As shown in the NYSDOT Entrance Plan, the sign is to be relocated and the island removed.*

Comment 2-29 (Public Hearing January 3, 2023, Ms. O'Donnell): The landscaping plan could really use some review and some supplement their along the Thruway and right between the neighbors and the proposed building.

Response 2-29: *See Response 2-12 above and the updated Landscape Plan (attached).*

Comment 2-30 (Public Hearing January 3, 2023, Ms. O'Donnell): The land banked parking plan, there's a plan provided on its own but the summary table, the parking table that's provided just needs to be transferred over.

Response 2-30: *See Response 2-13, above.*

Comment 2-31 (Public Hearing January 3, 2023, Ms. Mullarkey): It's not clear about the water demands whether or not additional is necessary so that should be clarified.

Response 2-31: *The proposed warehouse addition will not result in the need for more water for warehouse operations.*

Comment 2-33 (Public Hearing January 3, 2023, Mr. Klosky): While I'm very complimentary of the current applicant's intention to improve fire prevention on their side of the site I am curious about the legal implication of abandoning the responsibility to a shared system which currently exists [*with 19 Industry Drive or Lot 49.11*]. And I think that the DEIS needs to address that in detail because I don't believe that the construction of the new system abdicates your responsibilities to provide and maintain the shared system, although I'm not a lawyer so I'm not sure about all that, I just think it needs to be addressed in detail and in the DEIS because fire prevention for that entire site remains my principal concern, especially after Mill Street.

Response 2-33: *The Applicant is aware of the Planning Board's concern regarding fire prevention and has proposed major upgrades to the fire protection infrastructure for the Star Warehouse property, including a new 250,000 gallon water storage tank, emergency back-up pumps and a sprinkler system for the entire warehouse.*

Currently, the existing water storage tank is inoperable and has been for some time. Both the Star Warehouse property (20 Industry Drive, Lot B) and the adjoining property to the south (19 Industry Drive, Lot A) share access to a pond for reserve firefighting capacity water supply. A Maintenance Agreement between 20 Industry Drive and 19 Industry Drive was signed between the two properties in 1997, when the property was subdivided. A copy of the Maintenance Agreement is attached in Appendix C of this FEIS. The Maintenance Agreement covers shared infrastructure between the two properties, specifically the Notes on the filed subdivision plan include:

5. *Provisions for the maintenance of the shared commercial access way, private drainage facilities, or any private water or sanitary sewer facilities serving more than on lot shall be incorporated in a maintenance agreement recorded in the Orange County Clerk's office prior to the transfer of any lot. A copy of the agreement shall also be filed with the Town of Cornwall Planning Board.*
6. *The following easements shall be provided for and become part of all documents regarding the transfer of either lot A or Lot B.*
 - A. *Easement in favor of Lot B, under Lot A, to maintain the fire main servicing Lot A from Lot B.*
 - B. *Easement in favor of Lot B, to maintain the four-inch (4") water main and meter in the building on Lot A*
 - C. *Easement in favor of Lot A, to maintain the storm drain line discharging to the pond, east of the water tower on Lot B.*
7. *The following rights-of-way shall be provided for and become part of all documents regarding the transfer of either Lot A or Lot B.*
 - A. *A right-of-way to the owner of Lot A, to enter and exit using the main entrance, now known as industry drive, a shared commercial access way.*
 - B. *A right-of-way to the owner of Lot A, for emergency access and egress over Lot B from Creamery Road to service Lot A over the road now known as East Road.*

As indicated above, the maintenance agreement provides for access for the maintenance of stormdrains and water lines, including a fire main. The existing Maintenance Agreement does not require that 20 Industry Drive provide fire safety service, such as pumps and water storage for 19 Industry Drive or conversely that 19 Industry Drive provide fire safety service to 20 Industry Drive.

The Applicant does not want to enter into an agreement with 19 Industry Drive for shared fire safety service. The existing Maintenance Agreement between the two properties remains fully in effect and is a legally binding agreement between the two parties for access and maintenance of shared infrastructure. The 19 Industry Drive owners have continued access to the pond for back-up water supply for firefighting, and has access to replace or maintain any shared infrastructure on 20 Industry Drive Property.

Comment 2-34 (Public Hearing January 3, 2023, Ms. Allison Cassimenti, Resident 7 Creamery Hill Road): I'm concerned about right now the way the property is maintained I'm, concerned because it's not properly maintained and I don't know what it would look like with this structure on there. So my concern is how is this area going to be maintained if it's not maintained now and they're going to add to it? So that's my concern.

Response 2-34: *Comment noted. The proposed warehouse addition will improve the landscaping, stormwater management, emergency access, for the northern portion of the building and will improve fire safety infrastructure for the entire building.*

Comment 2-35 (Public Hearing January 3, 2023, Mr. Grisoli): Just one question, you know, as we go through this are you aware of the property next to you and that's taking a look at an expansion? And if you are, are you taking a look at a possible cumulative effect of say a common area like Industrial Drive and the traffic those sorts of things, are you in discussion at all?

Response 2-35: *Any expansion of other projects or new projects in the area would need to consider the impacts of other project pending before the Planning Board, including the proposed Star Warehouse expansion. The traffic study for the Star Warehouse expansion considered other pending off-site developments, but did not consider any improvements at 19 Industry Drive since they were not proposed at the time of the SEQRA Scoping for the Star Warehouse Expansion in 2020.*

Comment 2-36 (Public Hearing January 3, 2023, Mr. Klosky): I'm going to echo Bill's comment in that, you know, they have shared facilities for both transportation and fire prevention and I think that they draft needs to address those in detail. I think that's, you know, you have a shared maintenance agreement, you have a private road agreement and some kind, I assume there's some sort of agreement of some kind on maintenance and of the fire prevention system and all that needs to be spelled out in detail and hear exactly how that's going to work and how both sites will be dealing with fire and transportation access.

Response: 2-36: *See response 2-33 above.*

3.1 SURFACE WATER AND WETLANDS COMMENTS AND RESPONSES

Comment 3.1-1 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The DEIS concludes there will be no impacts to wetlands/Woodbury Creek but no erosion control or other protection is provided between wetlands and the main access road which will be resurfaced, and the guiderail to be replaced.

Response 3.1-1: No grading or disturbance of soil is proposed in the area around Woodbury Creek. Industrial Drive will be repaved and erosion control is generally not installed where no ground disturbance is proposed. However, silt fence is proposed in the downhill area of where the guiderail is to be replaced and can be seen on the Erosion Control Plan.

Comment 3.1-2 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): All Appendices should be included in consequent submissions of the SWPPP.

Response 3.1-2: The DEIS included a printed report section of the SWPPP and the full SWPPP Appendices were provided in the electronic version posted for agency and public review. The SWPPP has now been revised and all SWPPP Appendices provided. A full printed version of the SWPPP can be provided to the Planning Board upon request.

Comment 3.1-3 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): Only two infiltration tests were performed for the proposed infiltration basin, and a minimum of four infiltration tests are required for infiltration practices, regardless of size.

Response 3.1-3: The NYSDEC Stormwater Management Design Manual requires one test hole per 5,000 square feet of infiltration area with a minimum of two test holes per facility (See Section 6.3.1 of Manual).

Comment 3.1-4 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): It is the recommendation of this office to use the most conservative infiltration testing result (0.5 inches/hour) as opposed to an average of the test results, to ensure that the practice is adequately sized.

Response 3.1-4: The NYSDEC Stormwater Management Design Manual states that the final field rate may either be the average of the four observations, or the value of the last observation (See Appendix D of Manual). The value of the last observation was utilized as the final field rate for both tests and an average of the final field rate was utilized for design.

Comment 3.1-5 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): A soil stockpile should be added to the list of erosion and sediment control measures.

Response 3.1-5: A soil stockpile has been added to the list of erosion control measures in Section VII of the SWPPP.

Comment 3.1-6 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): The erosion control sequence should be revised to include a meeting with Town representatives, and the contractor to resolve any outstanding questions prior to ground disturbance.

Response 3.1-6: The erosion control sequences in Section VII of the SWPPP has been revised accordingly.

Comment 3.1-7 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): The SWPPP should be revised to include any relevant information regarding endangered species, floodplains, wetlands, and SHPO correspondence.

Response 3.1-7: The SWPPP has been revised to include all relevant information, as requested.

Comment 3.1-8 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): The SWPPP should include pollution prevention methods for non-stormwater discharges becoming a pollutant.

Response 3.1-8: The SWPPP has been revised to include pollution prevention methods should a spill occur.

Comment 3.1-9 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): The sediment basin should be sized to contain 25% of the WQv based on the infiltration rate shown, the basin shown on the plans does not appear to be this large however. Review and revise accordingly.

Response 3.1-9: Please refer to Appendix 7 of the SWPPP, specifically the Infiltration Basin Design worksheet where the calculation for the size of pretreatment is shown to be 25% of the WQv

Comment 3.1-10 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): The proposed roof leader locations should be shown on the plans.

Response 3.1-10: The proposed roof leader locations have now been shown on the plans.

Comment 3.1-11 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): The proposed infiltration practice should not be used as a sediment trap during construction, revise accordingly.

Response 3.1-11: It is proposed that the infiltration basin area be excavated partially to be utilized as a sediment trap during construction. Upon finalization of construction and stabilization of upstream areas, the infiltration basin is to be excavated to the design depth, as proposed.

Comment 3.1-12 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): Details should be added to the plans for the proposed conveyance swale as well as the proposed infiltration basin.

Response 3.1-12: Details have now been added to Drawing #6 of the plans for the construction of the Infiltration Basin.

Comment 3.1-13 (Letter 3, Sterling DePaul, EIT, MHE Engineering, Town of Cornwall Planning Board SWPPP Review Comments, January 3, 2023): Underdrains should be shown in the proposed infiltration basin as a means to drain the basin if the infiltration rate decreases over time.

Response 3.1-13: As requested, underdrains have now been shown in the proposed infiltration basin if the infiltration rate decreases over time.

Comment 3.1-14 (Public Hearing January 3, 2023, Ms. O'Donnell): Erosion Sediment control to Woodbury Creek isn't discussed in any length, although the DEIS concludes there is no impact.

Response 3.1-14: Comment noted.

Comment 3.1-15 (Public Hearing January 3, 2023, Ms. Allison Cassimenti, Resident 7 Creamery Hill Road): I'm also concerned with any additional water in that area, whether it be stormwater, you know, or any sort of water in that area.

Response 3.1-15: Sheet 3 of the Plan Set.

Comment 3.3-16 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 1.2.1 Mitigation Measures state that the stormwater management practices will reduce the volume of stormwater from the site. NYSDEC requires that the peak discharge rate (not total volume of runoff) be mitigated. Provide calculations that prove the total volume will be reduced.

Response 3.1-16: The peak stormwater discharge rate has been mitigated/reduced through the proposed stormwater management practices, consistent with NYSDEC requirements. The actual total stormwater volume discharged to the designated design point will likely increase following the proposed development.

3.2 GROUNDWATER RESOURCES COMMENTS AND RESPONSES

Comment 3.2-1 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 3.2.1 notes the average water demand as the site is 2,308 gallons per day (gpd). The applicant should provide a copy of the SPDES permit for the wastewater discharge from the site.

Response 3.2-1: The SPDES permit for wastewater discharge was not located in the files of the Applicant or the project engineer. The NYSDEC Region 3 Permits Administrator has been contacted via e-mail to confirm the status of the SPDES Permit for the Star Warehouse property. The NYSDEC has not confirmed an active SPDES Permit for the facility at the writing of this response. In the event that an active SPDES permit is not on file with the NYSDEC, the applicant will apply to the NYSDEC for the permit

Comment 3.2-2 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 3.2.2 states that an emergency fuel storage tank in serve the fire safety pumps may be diesel powered. The applicant should complete the design of the fire safety pumps to include the selection of how the pumps are powered.

Response 3.2-2: The fire safety pumps as well as other fire safety features will be designed to NYS Fire Code and NYSDEC requirements for petroleum fuel storage. If diesel fuel is provided for emergency service, the tank(s) will have secondary containment as required. Any and all required Petroleum Bulk Storage Permits will be applied for and filed with the NYSDEC.

Comment 3.2-3 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 3.2.3 states that any petroleum spills at the site will be mitigated by the proposed stormwater facilities. However, the proposed stormwater facilities are infiltration based practices which petroleum spills can be detrimental to the practice as well as the underlying aquifers. As such, the applicant should review how all “hotspots” will be managed by the SWPPP.

Response 3.2-3: The commenter is correct that the petroleum spills to pavement are not intended to be treated in stormwater facilities. Any actual petroleum spill will require notification of NYSDEC and a spill response contractor to contain and remediate the spill, avoiding discharge to stormwater treatment facilities. The SWPPP narrative includes information on reporting spills to the NYS Spill Hotline. Federal and State law require the spiller, or responsible party, to notify government agencies and to contain, clean up, and dispose of any spilled material in order to correct any environmental damage. If warranted, a spill control contractor will be called to contain and clean-up a spill and/or properly dispose of spill absorbent material.

Comment 3.2-4 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 1.2.2 Potential Impacts states that the total water demand will not be increased by the project; however later in the document, a calculation of additional water demand is noted. The applicant should clarify if additional water demand is necessary based on the proposed project.

Response 3.2-4: *Water demand is not expected to increase, based on the proposed addition of dry storage space. According to the applicant, no new employees are anticipated for the new space will be used for the storage of additional goods.*

3.3 ECOLOGY COMMENTS AND RESPONSES

Comment 3.3-1 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): Page 3.3-1 of the DEIS states that a few small trees will be cut during construction of the building expansion, while page 3.3-4 states that "No trees will be removed from the proposed development". This statement is the basis for the conclusion that no impacts will occur to threatened and endangered bat species. This is should be clarified.

***Response 3.3-1:** Several trees will be removed for the construction of the warehouse addition, and these trees are located adjacent to the north side of the existing warehouse. The trees are shown on the site plan (three trees at the northeast corner and two trees along the warehouse frontage). Several smaller trees near creamery Brook Road will be removed for the new emergency access road. To avoid the issue of impacting potential bat habitat, the applicant will agree to remove trees according to NYSDEC recommendations, restricted to the period between November 1 and March 30.*

Comment 3.3-2 (Public Hearing January 3, 2023, Ms. O'Donnell): They conclude there's no impact to the trees, no trees to be removed there are in fact a few trees to be cleared during construction so there's an inconsistency there.

***Response 3.3-2:** See comment 3.3-1, above.*

3.4 TRANSPORTATION COMMENTS AND RESPONSES

Comment 3.4-1 (Letter 1, Obed Varughese - Planner, Orange County Department of Planning Letter, December 21, 2022): Based on the Traffic Study provided, increased truck traffic from the proposed warehouses has the potential to exacerbate traffic issues at certain intersections along NYS Route 32. We appreciate the applicant working with NYSDOT on coordinating with site access, sign relocation and vegetation removal as proposed. We also appreciate the applicant taking into consideration the several Storm King Arts center and proposed large scale projects within the vicinity of the project site. Should the proposed project move forward, we recommend that the Town and the applicant work together to determine hours for deliveries to and from the site that will reduce the potential for traffic issues during peak travel times and minimize the project's impact to noise/congestion levels in the area.

Response 3.4-1: *Appreciation noted. The expected increase Project site traffic is relatively minimal at 11 extra trips in each of the peak hours. Warehouse use tends to be one of the lowest trip generators per square foot of space.*

From the DEIS Page 2-2: "The warehouse currently operates from 8:00 a.m. to 5:30 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. on Sundays. The warehouse will continue to operate during the same hours following the proposed expansion."

"The more traditional weekday peak period from 7:00 to 9:00 AM was not evaluated since Storm King is not open during this time." VBH, Storm King Art Center Master Plan Traffic Evaluation, June 2020.

Also, Based on the data from Storm King Art Center Master Plan Traffic Evaluation, the midday peak hour varies throughout the study area during a typical weekend generally occurs from 11:45 a.m. to 12:45 p.m. and from 3:45 p.m. to 4:45 p.m. during a typical weekend. Storm King Art Center traffic weekend traffic analysis was based on Saturday being higher than Sunday.

The Star Warehouse project site traffic is does not coincide with the weekend evening peak and Saturday midday peak and has a partial overlap on midday Sunday. The proposed warehouse expansion is not anticipated to increase noise levels at Storm King Art Center. The Star Warehouse property is approximately 1.5 miles distant from the Storm King Art center, and any noise at the warehouse property is limited to trucks and employee vehicles circulating on the property. The additional traffic attributed to the Warehouse expansion is 11 trips in the peak hour. Approximately half, or 6 trips may be expected to travel northbound on NYS Route 35 towards Newburgh in the peak p.m. period. This added traffic is not expected to substantially increase noise in the vicinity of Storm King Art Center.

Comment 3.4-2 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The total parking requirement based on zoning is 236 parking spaces. The applicant is proposing to construct 22 additional parking spaces for a total of 110 paved parking spaces with 130 parking spaces shown on the plan but not proposed for construction at this time (known as "land-banking") The code allows the Planning Board to reduce the parking requirement up to 75% where it is demonstrated to the satisfaction of the Planning Board that the specific use will require less parking than otherwise mandated by this section. The applicant should provide a rationale for the requested parking reduction.

Star Warehouse Expansion - FEIS

Response 3.4-2: *The rationale for land bank parking at the Project site is based on expected needs as discussed in Star Warehouse Expansion Transportation Study under future parking. The percentage of parking proposed is the same as currently exists at the Project site based on square footage. The 47 percent is nearly twice the minimum ratio allowed (0.25 spaces per 1000 square feet). The parking rate proposed is consistent with surveys documented in the Institute of Transportation Engineers' Parking Generation Manual 5th edition, January 2019 and existing parking spaces on-site. The ITE average parking demand rate for warehouse use is 0.39 spaces per 1000 square feet and upper end of the 95 percent confidence level is 0.47 spaces per 1000 square feet. The amount of land bank parking allows for exceeding the reduced zoning requirement.*

The benefits of land banking parking is to reduce environmental impacts. Land banked parking maintains visual green space, water infiltration and a reduced requirement for stormwater management. The need for paving potentially unused parking areas is reduced.

A condition of any site plan approval will clearly state the criteria for implementation (or triggers) and ability to implement the land banked spaces, if needed in the future. The triggers for building the land banked parking are described in Response 3.4-3, below.

Comment 3.4-3 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): While we believe it is good planning to show land-banked parking spaces to confirm additional parking could be added if deemed necessary, the applicant should provide a trigger for the potential construction of these spaces as well as a time frame for that construction if, and when it is determined additional spaces are necessary. This trigger should be noted on the plans.

Response 3.4-3: *The Building Department conducts annual fire safety inspections of all non-residential and commercial properties within the Town. The Town Building Inspector can assess parking utilization during site inspections. If it appears that 95 percent of non-accessible spaces are in use, the Inspector can request the applicant, in writing to convert the land banked parking spaces to regular paved parking spaces and this conversion would be done within one-year. The Town Building Inspector would base the decision to provide additional parking on a minimum of three site inspections to assess fluctuations in parking and to confirm the lack of adequate on-site parking space.*

A second trigger would be for the property owner to come before the Planning Board and request conversion of land banked parking spaces as a site plan amendment based on existing or anticipated use. Alternatively this could be delegated to the Building Department.

The one year time frame suggested is based on the need to install erosion control facilities, excavate and grade the area, install subgrade and pavement, and stripe the pavement.

The plan note could read: If the parking meets or exceeds 95 percent use or the Owner anticipates such use, the Owner shall obtain a building permit for conversion of land

banked parking as needed to establish a 10 percent vacant use and upon issuance of a build permit construct said spaces within one year.

Comment 3.4-4 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): Will the areas of land banked spaces be graded at the time of construction and remain grass or is some other surface treatment proposed?

Response 3.4-4: *The area is relatively flat (approximately 2 percent grade from existing parking to Interstate Highway property line) where the land banked spaces are. The proposed area for land banked parking will remain undisturbed until the parking is needed. Grading the area would temporarily and unnecessarily disturb a grassy field. Environmentally and economically it makes sense to disturb the land once, at the time of actual construction.*

Comment 3.4-5 (Public Hearing January 3, 2023, Ms. O'Donnell): The applicant has, they are going to be constructing 22 additional parking spaces for 110 spaces 130 spaces shown as land banked which means there're showing them on site but not going to be building them at the time of construction. ... The code does allow the planning board to reduce the parking requirement by 75 percent where it can be demonstrated to the satisfaction of the planning board that the specific use will require less parking than otherwise mandated by the code itself. ... There needs to be a little more narrative as to why the applicant thinks it's appropriate to not construct 130 spaces or why they won't need them at this time. ... We need to have some type of trigger for the construction of those spaces.

Response 3.4-5: *Please see response 3.4-3, above.*

Comment 3.4-6 (Public Hearing January 3, 2023, Ms. O'Donnell): The DEIS doesn't really talk about what's going to occur with the spaces, they're shown as a dash but there's no service treatment, doesn't say are they going to be grass after the construction of the expansion, are they going to be gravel, are they going to be graded, is that going to be later?

Response 3.4-6: *Please see response 3.4-4, above.*

Comment 3.4-7 (Public Hearing January 3, 2023, Ms. O'Donnell): The truck turning analysis need to be provided for our review.

Response 3.4-7: *Truck turning analysis is provided on four drawings of the Site Plan set, Drawings 10 through 13.*

Comment 3.4-8 (Public Hearing January 3, 2023, Mr. Phillip Grealy from Colliers Engineering and Design): It's very important that we obtain input back from New York State DOT as to apparently they have been coordinating but we haven't seen an correspondence of DOT's position, I believe DOT is in favor of cleaning up the intersection at the Industrial Drive approach to the intersection but there may be other factors that will come into play and they may have comments on the site distance improvements.

Response 3.4-8: *Comment noted. The applicant will coordinate with NYS DOT with the proposed entrance improvements. See comments 3.4-14 to 3.4-20.*

Comment 3.4-9 (Public Hearing January 3, 2023, Mr. Phillip Grealy from Colliers Engineering and Design): Also, as part of our review, we had requested a left turn lane analysis. A left turn analysis looks at the volumes and the need for having a separate left turn lane for vehicles turning into the access so that still needs to be provided.

Response 3.4-9: *The small increase in trucks as a result of the expansion and the lack of accidents near the entrance suggests the construction of a new left turn lane on NY Route 32 is not justified. Adding a left turn lane would increase the time to make left turns out of the site, thereby increasing the needed sight distance by 40 to 45 feet for passenger cars and 60 feet for tractor trailer trucks. In addition, any relocation of the stop bar further into the site could reduce sight distance as sight distances are constrained by horizontal curves. The small volumes using the left turn lane may encourage illegal use of the left turn lane as a passing lane.*

Based on existing the proportion trucks for each of the turning movement and anticipated vehicle volumes for each movement, the addition is expected to add one truck turning into the site in the a.m. peak hour. In the p.m. peak hour, there would be no additional entering trucks resulting from the project. These estimates indicate a minimal increase in left turning trucks into the site during peak hours.

From the Association of Highway and Transportation Officials, A Policy of Geometric Design of Streets and Highways notes:

"The volume-based guidelines or warrants presented below indicate situations where a left-turn lane may be desirable, not necessarily situations where a left-turn lane is definitely needed."

According to Table 9-24 in "A Policy of Geometric Design of Streets and Highways", "Suggested Left-turn Lane guidelines based on results from Benefit-cost Evaluations for Unsignalized Intersections on Arterials in Urban Arterials" (Table 9-24), a left turn volume would need to exceed 5 vehicles per hour and Major –road volumes that warrant a Left turn of 450 vehicles per hour per lane.

Based on the projected Build condition, the a.m. peak hour does not meet these criteria as the major road is projected at 401 vehicles per lane per hour. The site access is estimated at 9 vehicles per hour in the a.m. period. The p.m. peak hour meets the criteria at 8 vehicles per hour for the left turn and 467 vehicles per hour per lane on the major street.

Analysis of Left-Turn Lanes Warrants at Unsignalized T-Intersections on Two-Lane Roadways, by Kikuchi, S., and P. Chakroborty¹ also provides warrants for left turn lanes based on opposing and advancing volumes using three methods: Delay Based, Level of Service Based, and Modified Harmelink. None of these methods warrant a left turn lane with 10 percent of the volume making left hand turns, much less under five percent.

The NYSDOT will review the information in the DEIS and FEIS, including the Site Plans and will determine whether a left turn lane into the site from NY Route 32 is warranted, as a result of the proposed expansion.

¹ Transportation Research Record 1327, Figure 7 page 88, National Academy of Sciences, Washington D.C. 1991

Warning signs for trucks in advance of the driveway would improve awareness of the driveway without reducing sight distances.

Comment 3.4-10 (Public Hearing January 3, 2023, Mr. Phillip Grealy from Colliers Engineering and Design): In terms of the other improvements in the turning diagrams, they've provided some of those but there's some additional that we'd like to see.

***Response 3.4-10:** Truck turning diagrams are provided for fire apparatus (Drawing 10), for semi-trailers accessing the loading docks (Drawings 11 and 12) and for semi-trailers utilizing the entrance at Industry Drive (Drawing 13).*

Comment 3.4-11 (Public Hearing January 3, 2023, Mr. Phillip Grealy from Colliers Engineering and Design): We need to get input from New York State DOT, it's their intersection, it's their road and there may be a need for some additional improvements at that intersection.

***Response 3.4-11:** See response 3.4-8.*

Comment 3.4-12 (Public Hearing January 3, 2023, Mr. Phillip Grealy from Colliers Engineering and Design): As part of the traffic study, we had requested them to do what we call a sensitivity analysis, if the traffic generation was higher than what they were projecting their study was based on what the current facility generates and then applying that trip generation to the additional square footage which is a reasonable approach but we wanted to see what the affect would be with the sensitivity analysis that was proved with higher volumes.

***Response 3.4-12:** A sensitivity analysis was done based on a light industrial use of the expansion as requested. Trip generation comparison of the light industrial and warehouse uses is provided in DEIS Table 11. Trip distribution based on light industrial use is on DEIS Attachment A Page 7. Sensitivity Build Volumes are shown on Attachment A Page 8. Level of service calculations are in the DEIS Attachment I pages 7 and 8. The results are shown in Table 14 with no level of service change from the No Build Condition. The left turn delay into the site was unchanged from the Build Condition for both peak hours. Delay of exiting vehicles increased 0.4 seconds per vehicle in the a.m. peak hour and 1.0 seconds per vehicle in the p.m. peak hour as compared to the Build Condition.*

The NYSDOT will review the information in the DEIS and FEIS, including the Site Plans and will determine whether a left turn lane into the site from NY Route 32 is warranted, as a result of the proposed expansion.

Comment 3.4-13 (Public Hearing January 3, 2023, Mr. De Salvo): First with the size and scope of the project, how much more even with the DOT's approach how much more volume truck traffic is this going to, is going to be generated by this? To begin with no matter what the building is going to be like the purpose, how much more volume, business volume, truck volume.

***Response 3.4-13:** It is expected that the warehouse expansion would result in one additional truck turning right exiting the site and one additional truck turning left into the site in the a.m. peak hour, based on the existing the proportion trucks for each of the turning movement and anticipated vehicle volumes for each movement. In the p.m. peak hour the expansion would result in one truck exiting right and no entering trucks. The*

overall percentage of trucks would be 18 percent in the a.m. peak hour and 9 percent in the p.m. peak hour.

Comment 3.4-14 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated February 3, 2023): Confirm that the intersection sight distance at the driveway meets NYSDOT requirements in charts in Chapter 5C of the NYSDOT Highway Design Manual.

Response 3.4-14: A sight distance plan is provided on Drawing 9, NYSDOT Entrance Plan. Table 1 shows the sight distances from the Plan and Profile drawings and compares those to NYSDOT stopping and intersection sight distances.

Comment 3.4-15 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated February 3, 2023): Clearly show the sight distance for passenger vehicles and trucks are satisfy for the new driveway configuration. Include a chart showing the sight distance and the existing grade of the roadway to make sure there is a clear sight path.

Response 3.4-15: A sight distance diagram and profile are provided on Drawing 9. The grades are relatively level in the vicinity of the existing entrance (see Entrance Plan).

Comment 3.4-16 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated February 3, 2023): With the addition of 50,000 sq-ft to the warehouse what percent of new traffic will be truck traffic?

Response 3.4-16: New truck traffic would constitute approximately 19 percent of the a.m. peak hour (2 trucks) and 9 percent of the p.m. peak hour (1 truck). Because of the relatively low volume of trucks these percentages could vary widely. See also Response 3.4-13.

Comment 3.4-17 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated February 3, 2023): Provide the NYSDOT truck turning templates for the new driveway.

Response 3.4-17: Semi-trailer entrance turning analysis is provided on Drawing 13 of 13 (see attached Site Plan drawings).

Comment 3.4-18 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated February 3, 2023): Included a driveway profile and typical section in the next site plans.

Response 3.4-18: A driveway profile and a typical section is provided on Drawing 9 of 13. The driveway details will require review and approval by the NYSDOT.

Comment 3.4-19 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated February 3, 2023): NYSDOT pavement detail needs to be updated with new item numbers. Hot mix asphalt is a disapproved item number starting in 2023 and Warm Mix Asphalt will need to be used in the ROW.

Response 3.4-19: Comment noted. An entrance pavement detail is provided on Drawing 9. The driveway details will be finalized as part of the final Site Plan review process and will require review and approval by the NYSDOT.

Comment 3.4-20 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated February 3, 2023): A potential left turn lane may be needed if further expansion is proposed on Industry Drive. Included the left turn lane warrants in the next submission. The highway boundaries will need to be added to determine to see an expansion on Route 32 with a left turn lane.

Response 3.4-20: Highway boundaries are shown on Drawing 10. A discussion of left turn warrants is provided in Response 3.4-9. The Sight Distance Plan and Profile has been updated (see Sheet 10), and a chart provided describing existing and required sight distances, (see Table 1, below). The applicant will coordinate with the NYSDOT regarding the need for a left turn lane into the site from NY Route 32, as a result of the proposed expansion.

Adding a left turn lane would increase the time to make left turns out of the site, thereby increasing the needed sight distance. In addition, any relocation of the stop bar further into the site could reduce existing sight distance.

Providing warning signs for trucks should be considered.

Comment 3.4-21 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated July 18, 2023):

The proposed entrance width and corner radii are greater than our standard requirements for a commercial driveway. We will need reasons for this variance for the work within the NYSDOT ROW.

Response 3.4-21: The proposed entrance was designed to accommodate trucks (up to WB-67 design vehicles) entering and exiting the site.

Comment 3.4-22 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated July 18, 2023):

The posted speed of Route 32 for this section is 55 mph and current sight distance does not meet NYSDOT requirements. Additional work along Route 32 is need to achieve require sight distance.

Response 3.4-22: The applicant acknowledges that the sight distance for left turn drivers exiting the site does not meet the NYSDOT intersection sight criteria for 55 mph. This is an existing condition for the project site entrance that has been active since the existing warehouse was constructed in the 1950's. Accident data for this section of NYS Route 32, do not indicate that sight distance is a significant contributing factor for accidents.

Comment 3.4-23 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated July 18, 2023):

With this expansion of the site is there a better location for a new driveway to achieve the required sight distance?

Response 3.4-23: The property has no other frontage onto NYS Route 32 for an alternative driveway location. The property has access to Creamery Hill Road to the north, but that road has significant grade and alignment issues for access onto Route 32.

Comment 3.4-24 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated July 18, 2023):

Has the New York State Thruway Authority been contacted for the work near 1-87?

Response 3.4-24: The New York State Thruway Authority has not been contacted regarding work near I-87. The applicant will provide the NYS Thruway Authority with Site Plans and with the project SEQRA documents. .

Comment 3.4-25 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated July 18, 2023):

For the state entrance profile include a label of the Highway Boundary/Property line.

Response 3.4-25: A label has been added to show the Highway Boundary/ Property Line (see Sheet 10).

Comment 3.4-26 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated July 18, 2023):

The pavement detail will need to include an 8-inch base course with two 4-inch lifts. Also, NYSDOT will require straight tack coat between each layer of asphalt.

Response 3.4-26: Comment noted. The site plans will be revised to include these design details.

Comment 3.4-27 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated July 18, 2023):

Where is the proposed guiderail work proposed in the NYSDOT ROW? Details for guiderail on page 7 of the site plans are outdated and need to be updated. 606-07 230901.odf (ny.gov)

Response 3.4-27: The proposed guiderails are internal to the site and are not located in the NYSDOT right-of-way.

Comment 3.4-28 (Letter 6, Email from Jason Brenner NYSDOT to Philip Grealy of Colliers Engineering, Dated July 18, 2023):

NYSDOT is still determining the need for a left turn lane. Additional justification and examples will need to be provided to not consider a left turn lane.

Response 3.4-28: See Response 3.4-9, above. The Sight Distance Plan and Profile have been updated to include further information, including the NY Route 32 right-of-way. Table 1, below, provides the measured sight distances and the AASHTO recommended intersection sight distances and stopping sight distances.

As provided in the Table, the stopping sight and intersection sight distance criteria are met for passenger vehicles, for both the posted speed and for the observed north-bound speeds. These sight distance criteria are not met for combination trucks, but are close to meeting the criteria for the critical "Left turn into site from northbound lane" (see Table 1).

Warrants for a left turn lane into the site from northbound NY Route 32 are described Response 3.4-9, above. It is the applicant's opinion that a new left turn lane into the site is not needed for the following:

- *Accident data for this section of NYS Route 32, do not indicate that sight distance is a significant contributing factor for accidents. Accident data from 2016 to 2021 was reviewed for the three-tenths mile sections at the Industry Drive intersection with NYS Route 32. The three-tenths mile sections reviewed had, on average, one (1) vehicle collision with another vehicle per year and none reported with trucks. Of the 20 collisions reported over a five year period, 15 were with animals or off-road objects. Accident data is provided in DEIS Appendix G – Transportation Study.*
- *The proposed warehouse addition is expected to add one truck turning into the site in the a.m. peak hour, based on existing the proportion trucks for each of the turning movement and anticipated vehicle volumes for each movement. In the p.m. peak hour, there would be no additional entering trucks resulting from the project. These estimates indicate a minimal increase in left turning trucks into the site during peak hours.*

Adding a left turn lane would increase the time to make left turns out of the site, thereby increasing the needed sight distance. In addition, any relocation of the stop bar further into the site could reduce existing sight distance.

Table 1 Sight Distances at Site Entrance		
Available Sight Distance (in feet)¹		
Direction of Travel	Southbound	Northbound
Exiting Site	550	584
NB Left turner sighting SB traffic	600	-
NB sighting left turner into site	-	634
Sight Distances for 85th Percentile Speeds (MPH) in feet²		
85th Percentile Speeds	55 mph	59 mph
Stopping Sight Distance		
AASHTO (Tables 3-1, 9,7, and calculated values) ⁴		
Passenger car	495**	555**
Intersection Sight Distance		
NYS DOT ⁵		
<i>Passenger Cars</i>		
EB Right turn exiting site ²	530**	
EB Left turn ² cross one/two lanes	610*/650*	650*/695*
Left turn into site from northbound lane	445**	480**
<i>Combination Trucks</i>		
EB Right turn exiting site ²	850*	
EB Left turn ² cross one/two lanes	930*/990*	1000*/1060*
Left turn into site from northbound lane	610*	650*
* <i>Does not meet sight distance.</i>		
** Meets sight distance.		
*** Uncongested daylight clear weather conditions.		
¹ Pietrzak & Pfau, PLLC, Sight Distances Plans and Profiles 10-23-2023 and Sight Distance Diagram A June 2015 (10 feet from travel-way).		
² Interim values between five mile per hour increments calculated values based on AASHTO ⁴ time gaps for passenger cars and combination trucks Tables 9-6 and 9-8		
³ Design values, are calculated values raised to nearest 5 mile per hour increment		
⁴ American Association of State and Highway Transportation Officials (AASHTO), <u>A Policy on Geometric Design of Highways and Streets</u> , (current edition 7th Edition 2018).		
⁵ New York State Department of Transportation (NYSDOT) Highway Design Manual Attachment 5C Intersection Sight Distance charts Table 5C-3,5C-4, and 5C-8 and Jan 15 2015 same as AASHTO ⁴ Tables 9-7 and 9-9.		

3.5 HISTORIC AND ARCHEOLOGICAL RESOURCES COMMENTS AND RESPONSES

No comments regarding historical and archeological resources were received.

3.6 COMMUNITY FACILITIES AND SERVICES COMMENTS AND RESPONSES

Comment 3.6-1 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 3.6.1 states that Cornwall Volunteer Ambulance Corps. Services provides emergency medical service to the project site; however our office believes this is no longer the case.

Response 3.6-1: Emergency medical service to the site and to the Town of Cornwall is provided by New Windsor EMS, as of July 1, 2022

Comment 3.6-2 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): Section 3.6.3 notes that a new 250,000 gallon water storage tank and new fire pumps will supply the existing building and proposed expansion with water for fire suppression. The project plans should include this proposed infrastructure. Further, the applicant should include a draft maintenance agreement for the fire suppression infrastructure for the Board's consideration.

Response 3.6-2: Preliminary plans for the storage tank, fire pumps, fire flow demand, pressure and storage and design of the fire safety improvements were provided with the DEIS (see Appendix F). Any new water lines for the building addition or new fire protection service will be located in the general location of existing water lines, to avoid other utilities around the building. The existing water lines are shown on the plans and have been field located. The proposed pump building will be located in the approximate location of the former pump building, at the western edge of the water impoundment and adjacent to the proposed water tank location. Final designs for the fire safety improvements will be provided with the Site Plan review and approval.

Comment 3.6-3 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): Emergency vehicle access was one of the main concerns from the Town Fire Inspector. This analysis should be provided and should show access around the building as well as into and out of the proposed emergency access road with trucks parked in the loading bays.

Response 3.6-3: A Fire Apparatus Turning Analysis is provided on Drawing 10. The drawing shows fire truck access around the building and through the emergency access with trucks parked in the loading bays.

3.7 VISUAL RESOURCES COMMENTS AND RESPONSES

Comments regarding the potential visual impacts of the warehouse expansion were received from the Town Planning consultant, a representative from Storm King Art Center and neighbors to the Star warehouse other members of the public. The potential visual impacts of the project on the Storm King Art Center were evaluated in the DEIS and are expanded upon here.

Comments on the DEIS received from the Storm King Arts Center include: 1) whether the proposed warehouse expansion or new water tank can be seen from a third vantage point at Storm King and 2) what are the comparative heights of the existing water tank, proposed new water tank and the new building addition.

Additional photographs from Storm King Art Center towards the project site were taken on April 21, 2023. At the time of the photos, leaves were newly apparent on trees, and the trees were not bare. As requested by Storm King Art Center photos were taken from a hilltop in the southern portion of the Art Center grounds, above the south ponds. The location of this vantage point is designated as Location 8 and is shown in Figure 3.7-1. Locations 6 and 7 in the DEIS were from two vantage points from Storm King Arts Center. Location 8 is approximately 1.5 miles from the subject property.

From Location 8, the existing cell tower on the site is visible on the horizon in the southern direction, as shown in the photo in Figure 3.7-2. The existing water tank was not visible from this vantage point and the proposed warehouse addition will not be visible, as further discussed below. Additional photos were taken from Location 6 (Museum Hill) and Location 7 (hill above the Maya Lin Wave Field) in April, 2023. The cell tower on-site was visible from Location 6, Museum Hill (Figure 3.7-3), but was not visible from Location 7 (Figure 3.7-4), the hill above the Wave Field. Based upon observations and photographs taken on two occasions at Storm King Art Center, the project will not have an adverse visual impact upon the Art Center.

The proposed new water storage tank at the Star Warehouse property will be located within approximately 200 feet of the existing water storage tank, which is not in service. The proposed tank will be 48 feet in height and 30 feet in width. It is likely the tank will be colored a light blue to blend with sky colors, similar to other municipal water tanks. An example of a similar style tank in the Town of Newburgh, is provided as Figure 3.7-5.

The existing water tank is silver in color and, as discussed in the DEIS, it is a prominent visual feature for drivers on Interstate 87, also known as the NY State Thruway (see Figure 3.7-5). Measurements were taken with a clinometer to determine the height of the existing water tank, and the existing cell tower and compare these heights to the proposed water tower. Ground elevations were established from site survey data from Pietrzak & Pfau Engineers. Table 3.7-1 provides the estimated heights and elevations of the existing and proposed building features onsite.

Table 3.7-1 Comparison of Structure Height			
	Approx. height	Approx. ground elevation	Approx. total elevation
Existing Cell Tower	260'	282'	542'
Existing Building	20'	270'	290'
Existing Water Tower	200'	270'	470'
Proposed Water Tower	48'	270'	318'
Proposed Building	40'	270'	310'

Table 3.7-1 shows that proposed water tower will be approximately 150 feet less in height than the existing water tower and will be much less visible from surrounding roads and from Interstate 87. The cell tower on the property remains the most prominent visual feature on the property and will remain so after the proposed warehouse expansion (see Figure 3.7-5). The new water tower will not be visible from Storm King Art Center, based upon site visits and photographs. As described in the DEIS, the proposed building addition will be more visibly prominent from Creamery Hill Road and from Interstate 87 but at 40 feet in height will not present a stark visual change to the landscape. The proposed landscaping with trees and shrubs will soften views of the building from Creamery Hill Road and from Interstate 87.

Comment 3.7-1 (Letter 1, Obed Varughese - Planner, Orange County Department of Planning Letter, December 21, 2022): The Board should ensure that any outdoor lighting for the proposed project is designed, located and directed in such a manner as to prevent objectionable light at and across property lines and the prevent direct glare at any location on or off the property. All lighting should be energy efficient and comply with International Dark-Sky Association (IDA) standards. We would also encourage the applicant to explore instituting a lighting curfew that reduces lighting levels for areas that are not in use at a particular time, and potentially incorporating motion sensors for areas.

Response 3.7-1: A Lighting Plan is provided as Drawing 5. Two (2) new wall mounted light fixtures are proposed in the area of the new loading docks. These lights will be downward directed and will extend illumination to approximately 40 feet from the edge of the building and will not extend off-site. The lights will be energy efficient. At present, the lights will be turned on and off with a timer, to illuminate the area during nighttime periods.

Comment 3.7-2 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The visual analysis in the DEIS does not discuss the water tower. How will the proposed water tower compare in size, color and location to the existing water tower in terms of visual impact?

Response 3.7-2: See discussion above. The proposed water tank will be located approximately 200 feet southeast from the existing tank and is proposed to be 48 feet in height and 30 feet in width. It is likely the tank will be colored a light blue to blend with sky colors, similar to other municipal water tanks. As described, the existing water tank is approximately 200 feet in height and the new tank will be 48 feet in height, or one-quarter of the height of the existing tank. The new tank will be slightly further from Interstate 87 and will be much less visibly prominent than the existing tank.

Comment 3.7-3 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The visual impact analysis does not discuss lighting impacts. Will any impacts to adjoining residential properties occur from proposed lighting on the building, near loading docks? What will lighting levels be along the site's northeastern property line and will proposed lighting be illuminated 24-hours?

Response 3.7-3: See comment 3.7-1 above. The proposed lighting is intended to illuminate the new loading dock area and lighting levels will not extend off-site (see Lighting Plan – Drawing 5). Additional planting are proposed at the west side of the loading area, reducing the visibility of the lighting from Interstate 87 and the west. No residents are located west of the site (the area is parkland) and therefore neighbors will

not be affected by the proposed lighting. At present, the lights will be turned on and off with a timer, to illuminate the area during nighttime periods.

Comment 3.7-4 (Letter 5, Amy S. Weisser, Deputy Director, Strategic Planning and Projects, Storm King Art Center, January 12, 2023): Visual Impact Analysis – We appreciate that the DEIS of 11/30/22 shows views of the site from Storm King at locations 6 (Museum Hill) and 7 (the hill above Maya Lin’s *Wavefield*). We ask that this visual analysis be repeated with winter views (rather than the full foliage views in the report), and we request a third view from a place in our south fields also with high elevation, which we have marked with an X in the attached image. We further ask that the 40’ height and overall volume of the structures of the proposed addition and the new water tower be indicated on the photographs.

Response 3.7-4: The views in the DEIS were taken in March and the current Photos in April. Photos were recently taken from a third vantage point on a hilltop above the pond in the large south field. (See discussion above). The cell tower on the property is visible from two vantage points and that location is shown in the photos. The cell tower is 200 feet higher in elevation than the 40 foot building and the 48 foot new water tank. The building addition and new water tank will not be visible from Storm King Art Center.

Comment 3.7-5 (Letter 5, Amy S. Weisser, Deputy Director, Strategic Planning and Projects, Storm King Art Center, January 12, 2023): Trees – The DEIS states (page 1-5) “A few small trees along the north side of the building will be cut to connect the new extension. No other trees are expected to be cut for this proposal.”

The plan shows that 5 trees of 3” caliper or less will be planted along with an additional 31 minor trees. These trees ring the retention pond at the north edge of the site. When mature, these trees will add to the view protection from Storm King.

We ask that the Planning Board confirm that the plan provides a net increase in the number and size of the trees and that the five new, larger trees by considered the minimum allowable with stipulated maintenance requirements to ensure they grow to mature height. [We note that page 1-6 states that “no trees will be removed for the proposed development.”]

Response 3.7-5: Comment noted. As requested by the Planning Consultant, additional trees have been added to the Landscaping Plan (see attached Landscaping Plan). The updated Landscape Plan provides 70 trees including evergreen species, as well as 173 shrubs. The statement that “no trees will be removed” is in error.

Comment 3.7-6 (Letter 5, Amy S. Weisser, Deputy Director, Strategic Planning and Projects, Storm King Art Center, January 12, 2023): Pavement – We heard at the hearing on Tuesday evening that the increase in paved area will be 3%. We have not located that fact in the DEIS. With viewshed in mind, we ask that the Planning Board confirm the scale of any increases in cleared areas as part of this plan.

Response 3.7-6: The Site Plan drawings attached to this FEIS show the area of proposed new pavement (14,319 s.f. on Drawing 8) and the limits of disturbance or cleared areas (on Drawing 4). The area of disturbance includes an open field north of the existing warehouse consisting largely of gravel parking area and mowed lawn. As described several trees growing adjacent to the building (approximately 5) will be removed, as well as a limited area of shrubs and small trees in the area of the proposed emergency access drive (see Site Plan drawings). The proposed landscaped plan

expands and enhances the landscaping along Creamery Hill Road, and in the area of the proposed loading docks along Interstate 87, where none exists now.

Comment 3.7-7 (Letter 5, Amy S. Weisser, Deputy Director, Strategic Planning and Projects, Storm King Art Center, January 12, 2023): Height of Water Tower – We understand a new water tower will be constructed, of 48 feet in height and 30 feet in diameter, to the northeast of the existing water tower. At the hearing, we heard that this water tower is of a lower height than the existing one. Please confirm that the existing water tower will be removed. To have two water towers in close adjacency would be a significant negative impact on views from Storm King as well as views from around the Cornwall community.

***Response 3.7-7:** See discussion above about the relative heights of the existing and proposed structures. The Applicant has agreed to remove the existing water tower as part of the warehouse expansion and fire prevention infrastructure improvements. The new water tower at 48 feet will not be visibly prominent in the landscape. As described in the DEIS, the existing tank is just visible in the tree line during off-leaf seasons. The Star Warehouse property is 1.5 miles distant from Storm King Art Center and the cell tower and water tank currently do not have a significant negative impact on views from Storm King.*

Comment 3.7-8 (Public Hearing January 3, 2023, Ms. O'Donnell): Visual impact analysis was provided, there's some items that I think are kind of left out of that, the water tower being one of them.

***Response 3.7-8:** See discussion above and response 3.7-2.*

Comment 3.7-9 (Public Hearing January 3, 2023, Ms. O'Donnell): Lighting impacts not discussed in the visual impact analysis, that needs to be discussed, with respect mainly of course to the adjacent residential properties.

***Response 3.7-9:** See Response 3.7-3, above.*

Comment 3.7-10 (Public Hearing January 3, 2023, Ms. Allison Cassimenti, Resident 7 Creamery Hill Road): So I'm concerned, I'm concerned about the height of this, it's going to be double of what it currently is, the property right now is already elevated, I will essentially be looking at the, a skyscraper, so to speak, a wall.

***Response 3.7-10:** The proposed addition will be 40 feet in height and the existing warehouse is 20 feet in height. The Landscaping Plan prepared for the expansion provides trees and shrubs intended to screen and soften the building's appearance from Creamery Hill Road and for neighbors. The Landscape Plan proposes 24 trees, 46 minor trees, and 173 shrubs as well as native grasses.*

Comment 3.7-11 (Public Hearing January 3, 2023, Ms. Amy Weisser from Storm King Art Center): So you say that we can see the water tower but not this building but this building doesn't exist yet? And this building is twice as high as the existing building and it's closer to the road? How tall is the water tower? Now, to where are you moving the water tower?

***Response 3.7-11:** Please see the discussion above regarding the relative heights of both existing and proposed structures. The existing water tank is estimated at 200 feet*

in height. The new building height at 40 feet is approximately 160 feet lower in elevation than the existing water tank.

Comment 3.7-12 (Public Hearing January 3, 2023, Ms. Amy Weisser from Storm King Art Center): Are you creating more paved areas as part of this project? Of what order of magnitude?

Response 3.7-12: The Site Plan drawings attached to this FEIS show the area of proposed new pavement (14,319 s.f. on Drawing 8) and the limits of disturbance or cleared areas (on Drawing 4). Please see Response 3.7-6

Comment 3.7-13 (Public Hearing January 3, 2023, Mr. Klosky): I didn't see in the draft a specific wording about what you're going to do with the existing water tower, whether the intent is to demolish it but I would put forward that that might be an appropriate mitigation for a viewshed issue. I don't believe the existing water tower's in service, is that correct?

Response 3.7-13: Following comments by the Planning Board, its consultants and the Town Building Inspector, the Applicant has agreed to remove the existing water tower as part of the warehouse expansion and fire prevention infrastructure improvements. Removal of the existing water tower can be made a condition of Site Plan approval.

Comment 3.7-14 (Public Hearing January 3, 2023, Mr. Grabe): I just had a question on the visibility from Storm King Art Center, did you put up balloons, was it done in the fall or summer? How did you determine that there was no visibility from Storm King Art Center? So the water tower is pretty much the same height as the new building?

Response 3.7-14: Balloons were not raised to establish the height of the building since the site is 1.5 miles from hilltops at Storm King Art Center. The photos taken for the visual analysis in the DEIS and the FEIS were taken in the Spring. The project site's visibility from Storm King was determined using aerial photos, topographic maps and a camera with a telephoto lens. The existing cell tower, the highest structure on the site was located in the landscape to determine the location of the site, and whether other structures, or the existing warehouse was visible. The proposed water tank will be 48 feet in height, while the building will be 40 feet.

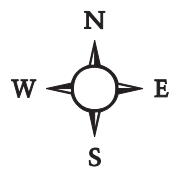
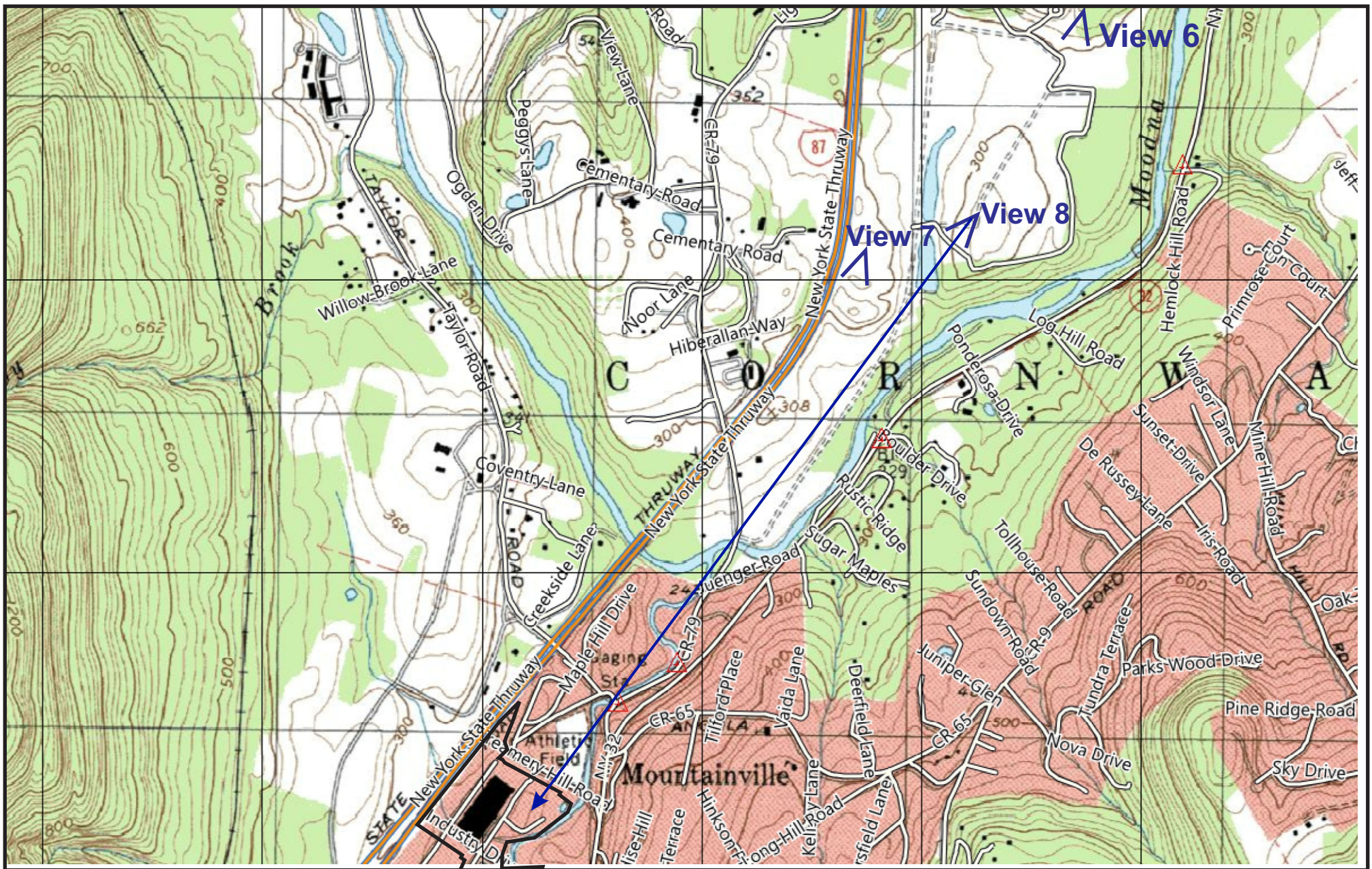


Figure 3.7-1: Viewpoint Key - Storm King Art Center
 Star Warehouse Property
 Town of Cornwall, Orange County, NY
 Base Map: USGS Cornwall Quad.

Views from Storm King Art Center
Star Warehouse Expansion, Town of Cornwall, NY



Figure 3.7-2 Photo from Location 8 – Hill at South Field Cell tower on Star Warehouse property is visible above tree line in center of photo, facing southwest.

Views from Storm King Art Center
Star Warehouse Expansion, Town of Cornwall, NY



Figure 3.7-3 Photo from Location 6 - Museum Hill Cell tower on Star Warehouse property is visible above treeline in center of photo, facing southeast.

Views from Storm King Art Center
Star Warehouse Expansion, Town of Cornwall, NY



Figure 3.7-4 Photo from Location 7 – Hill above Wave Field Cell tower on Star Warehouse property is not visible from vantage point, facing southwest.

Figure 3.7-5 Existing Structures Photographs
Star Warehouse Expansion, Town of Cornwall, NY



- 1) City of Newburgh water tank (Sunrise Lane) of similar design to Star Warehouse Expansion proposed water tank (size and volume of the Newburgh tank not confirmed).

Figure 3.7-5 Existing Structures Photographs
Star Warehouse Expansion, Town of Cornwall, NY



2) Existing Star Warehouse water tank (not in service), facing southwest.

Figure 3.7-5 Existing Structures Photographs
Star Warehouse Expansion, Town of Cornwall, NY



- 3) Existing cell tower in east-central portion of Star Warehouse property, facing northeast.

3.8 HUMAN HEALTH COMMENTS AND RESPONSES

Several comments were received at the DEIS Public Hearing from neighbors of Star Warehouse regarding environmental concerns. The questions include whether the site has been sufficiently tested to understand environmental and health concerns and importantly, how will the warehouse construction occur given the environmental issues from past activities.

The DEIS provided a full discussion of the environmental studies related to the former Star Expansion Company Site (Star) completed to date. As background, the Star Expansion Company, operated at the site from 1954 through 1997 when the company filed for bankruptcy. Star manufactured a broad line of fasteners for residential and building industries. Due to the former industrial activity, the site is identified as a Class 2 Inactive Hazardous Waste Site (IAHWS) and has been assigned NYSDEC Site No. 336008.

The information and discussion of the site is taken from the *Remedial Investigation Report*, prepared by TRC Engineers, Inc. and dated September 16, 2020. This report is provided in the DEIS as Appendix E. This report summarizes past studies and provides the results of a three-year long program (December, 2017 through March 2020) of testing the site's soil, groundwater, surface water, surface air and subsurface vapor. This study was completed in close coordination with the NYSDEC. Prior to the TRC *Remedial Investigation*, historical contamination at the site has been extensively investigated over 29 years since the initial investigation in 1994. A total of six investigations or site remediations occurred between 1994 and 2016. The *Remedial Investigation Report* prepared by TRC summarizes the comprehensive (seventh) site investigation.

Remediation or clean-up of the identified Areas of Concern, included an on-site landfill, a waste pile area and wastewater treatment area. Soil, waste and wastewater were transported off-site for proper disposal at licensed facilities (see *Remedial Investigation Report Section 3.0 Previous Investigations*).

Previous environmental studies and the 2020 Remedial Investigation Report describe eight (8) Areas of Concern on the site (see DEIS Section 3.8). As shown in Figure 3.8-1, six of the identified Areas of Concern (AOC's) are located east of the warehouse building, in the area between the building and Woodbury Creek to the west. None of the AOC's are located in the area of the proposed warehouse expansion.

Area of Concern No. 7 is the main warehouse building related to volatile organic compounds (VOC's) found at elevated levels in sub-slab vapor samples. Samples of air (vapor) were collected below the concrete building slab and all of the samples collected contained elevated concentrations of chlorinated volatile organic compounds (cVOC), predominantly trichloroethene (TCE) an industrial solvent commonly used in the 1950's and 1960's. According to the applicant's environmental engineer, it is likely that site remediation measures will include a sub-slab depressurization system (SSDS) to address soil vapor under the existing building as well as the proposed addition.

The area of the warehouse expansion at the north (northeast) side of the warehouse, was not identified as an Area of Concern, since this area was historically not used for industrial processes or waste disposal. A soil and groundwater sample collected in the area of the proposed stormwater basin showed no volatile compounds above the laboratory detection limits, with the exception of acetone, which was below the NYSDEC groundwater quality standard.

According to the *Remedial Investigation Report*, based on the January and August 2019 groundwater analytical results for four newly installed bedrock monitoring wells, VOCs were either not detected above laboratory quantification limits or were detected at concentrations below their respective Class GA Groundwater Quality Standards. As a result, the analytical data suggests that the VOC impacts observed in the overburden aquifer have not impacted the underlying bedrock.

The applicant's environmental engineer is working in close coordination with NYSDEC in determining the final remedial measures for the site, which will likely include a sub-slab depressurization system (SSDS), which can be described as a venting system for vapors built-up under the building slab. This SSDS will be incorporated under the building slab for the proposed warehouse expansion, in coordination with the NYSDEC. The latest correspondence between the site environmental engineer and NYSDEC is provided in Appendix E, of the DEIS.

Construction Mitigation

The health and safety of construction workers, warehouse staff and the public is a priority during the proposed warehouse expansion. The applicant's environmental engineer, TRC Engineers, Inc. will prepare a Construction Management Plan for the management of on-site soils during construction. Such a plan will require review and approval by the NYSDEC. The following procedures are proposed for construction:

- 1) To ensure that dust or volatile organic compounds (VOC's) do not affect construction workers or project neighbors, a Community Air Monitoring Program (CAMP) will be implemented. Real time continuous air monitoring stations will be established at the perimeter of the construction area, primarily along Creamery Brook Road. Any air quality concerns identified will be immediately addressed.
- 2) All soil that is excavated and graded for foundations, stormwater management, utilities or landscaping will be monitored for volatile organic compounds (VOC) with portable screening equipment. If screening indicates the presence of VOC's, the soil will be sampled and analyzed. All excess soil will be sampled, tested for volatiles and categorized for appropriate disposal.
- 3) The proposed warehouse building addition will include a Subsurface Slab Depressurization System to ensure that VOC vapors do not affect the new addition.

Comment 3.8-1 (Letter 1, Obed Varughese - Planner, Orange County Department of Planning Letter, December 21, 2022): One of the primary concerns for the proposed project are the impacts of Volatile Organic Compounds. Although the area of the proposed expansion was not identified as an Area of Concern, the grading and excavation adjacent to other identified areas has the potential to affect human health and the environment. The Board should ensure that the applicant comply with any site remediation determined by the NYSDEC and NYSDOH.

Response 3.8-1: See discussion above. The applicant is committed to complete any further investigation and remediation required by the NYSDEC. The Applicant's environmental consultant, Mr. Jeff LaRock of TRC Environmental Consultants is in regular contact with NYSDEC to finalize the remediation of the site.

Comment 3.8-2 (Letter 2, Kristen O'Donnell, Lanc & Tully Engineering and Surveying, PC Town of Cornwall Planning Board Review, December 29, 2022): The section of the DEIS on Human Health does not discuss any impacts or mitigations related to the construction phase of the project. Is there any potential for encountering contaminated soil during construction? Is there a plan in place in the event contaminated soils are encountered? Are the impacts related to soil vapor increased once existing vegetation is removed?

***Response 3.8-2:** See discussion above. The applicant's environmental consultant will prepare a Construction Management Plan in coordination with the NYSDEC site manager to ensure that soils from the site are properly handled, screened and disposed of, if necessary. The Construction Management Plan will be prepared as part of the final Site Plan documents, and will be subject to review by the Planning Board, its consultants, the Town Building Inspector and the NYS DEC.*

Comment 3.8-3 (Letter 4, Shawn E. Arnot, P.E., MHE Engineering, Town of Cornwall Planning Board Technical Review Comments, January 3, 2023): The applicant should consider discussing the need to close the pending IHWDS with NYSDEC prior to completing the construction of the site (or other appropriate measure) in Section 3.8.3.

***Response 3.8-3:** Comment noted and see discussion above. The proposed warehouse expansion construction will be closely coordinated with the NYSDEC remediation staff, through the applicant's environmental engineer. A construction management plan will be prepared as part of final Site Plan documents and will be reviewed by NYSDEC and the Planning Board. The Construction Management Plan will include air monitoring and soil management to ensure worker and public safety during construction. The ultimate remediation of the site will likely include a soil vapor extraction system that will include the new portion of the warehouse building, in addition to the existing structure. The remediation and the construction will be coordinated with the NYSDEC.*

Comment 3.8-4 (Public Hearing January 3, 2023, Ms. O'Donnell): The DEIS section on Human Health does not discuss impacts with respect to the soil contamination, there was a Superfund site identified in the DEIS database with respect to this property, ... there will be a time during the construction portion of this site where there will not be a building on top of it and the existing vegetation is to be removed so I think that that needs to be evaluated in a bit more detail.

***Response 3.8-4:** See discussion above. A Construction Management Plan is proposed to address worker and public health and safety during construction.*

Comment 3.8-5: Comment 3.8-5 was moved to another section and the number retained to maintain numbering order.

Comment 3.8-6 (Public Hearing January 3, 2023, Mr. Joe DeSalvo): I am concerned about the fact that this was on a Superfund Site, heavy metals from what I understand. To my knowledge, there's never been any remediation on this site so how that dropped off the radar and went into an inactive whatever that even means inactive Superfund Site, it's still a Superfund site. So if they're going to be in there digging, I'm not sure exactly where on this piece of property the worst part of the saturation is, was, so how much any of this work is going to be affected.

Response 3.8-6: *The site was never a federal National Priorities Site (NPL) or Superfund site, but is currently classified as an Inactive Hazardous Waste Disposal Site (IHWDS) by the NYSDEC. Remediation has been done on the site to address the identified Areas of Concern. Remediation activities are summarized in the Remedial Investigation Report (see DEIS Appendix E). Contaminated material and soil was excavated and disposed of off-site, and in the former Wastewater Treatment Area, tanks were cleaned and removed, and filter beds and soils were excavated and removed. Please see discussion above regarding proposed soil management during construction to ensure the health and safety of workers and neighbors during construction.*

Comment 3.8-7 (Public Hearing January 3, 2023, Mr. Joe DeSalvo): Another consideration that I have is all the effluent from there, I mean, it's a warehouse, I'm assuming it's not an industrial process, but there has to be some kind of effluent coming out of here into some kind of septic system because there's no municipal services whatsoever, water or sewage. So what kind of water is it? How is this going to affect the local wells? ... I'm not talking about the restrooms in the warehouse, I'm talking about the nature of the businesses that are in the warehouse, what are they putting into the ground?

Response 3.8-7: *The warehouse is currently used for dry storage and distribution of goods and no manufacturing or use of chemicals is done in the building. If chemicals were used, restrictions would be in place regarding the storage and disposal of any waste and none would be allowed into the septic system. The restrooms in the building are directed to the single existing septic system which is shown on the Site Plan (see Drawing 2).*

Comment 3.8-8 (Public Hearing January 3, 2023, Ms. Allison Cassimenti, Resident 7 Creamery Hill Road): There's lead, lead and other contaminants that are still in the soil. When you're coming right across the street, I have a dug well that's right across the street, there's no street gutter here, the water just flows right off the property into the street and because it's an incline it's slamming right into my property.

Response 3.8-8: *See discussion above. The northern side of the building has not been identified as an Area of Concern following seven site assessments over 29 years. Currently, there is no stormwater management at the north side of the building. The proposed warehouse expansion will provide stormwater management for the addition and new paved areas, improving stormwater run-off conditions for Creamery Hill Road and neighbors on Creamery Hill Road. All stormwater from the new loading area and from the new roof runoff will be directed to a swale and infiltration pre-treatment area (See Drawing 3 – Site, Utilities, & Grading Plan of the Site Plan drawings). The pre-treatment sediment basin will flow to the proposed stormwater infiltration basin located between the new building addition and Creamery Hill Road (See Drawing 3). The basin is designed for the majority of stormwater to infiltrate into the ground, and not flow via sheet-flow to Creamery Hill Road. Overflow from the Infiltration basin will be piped underground to an existing roadside swale, downgradient (downhill) from the commentor's property. The proposed stormwater management facilities are expected to improve stormwater run-off conditions at the north side of the building.*

Comment 3.8-9 (Public Hearing January 3, 2023, Mr. Richard Randazzo, 90 Pea Hill Road): I think my focus really is on the environmental concerns for the hazardous waste site that's there.

Response 3.8-9: *Comment noted. Please see discussion above about current environmental conditions and plans to ensure that worker's and neighbor's health and safety is protected during and after construction.*

Comment 3.8-10 (Public Hearing January 3, 2023, Mr. Richard Randazzo, 90 Pea Hill Road): I believe there was a requirement that they had to mitigate the hazardous waste that was on the site and I think that first company that purchased it cleaned part of it, but maybe they had said at one time they had only gotten like half of it. So I urge the Town to research if there was a requirement in the original purchase from the bankruptcy court that the site be completely mitigated of any hazardous waste. I think we all know that but before any major expansion should go on and I'm not certain that the excavation, construction and putting a building over the site if that is in fact where some of this contamination is actually capped when you're talking about ground water and kind of chemicals and so forth that they put in there. I think this is an opportunity for the Town to look into what the obligation is to the current property owner who may have had the obligation from the original property owner passed on the, from the bankruptcy court and the original sale of the property, I think that's crucial because if there is an obligation to clean that site up we certainly should expect that the site will be cleaned up before any consideration is given to any expansion, especially a major expansion like this one.

Response 3.8-10: *Please see discussion above. The history of the site's ownership, investigation and clean-up is well documented in the Remedial Investigation Report (see DEIS Appendix E). The project applicant is required and committed to remediate the site according to NYSDEC requirements.*

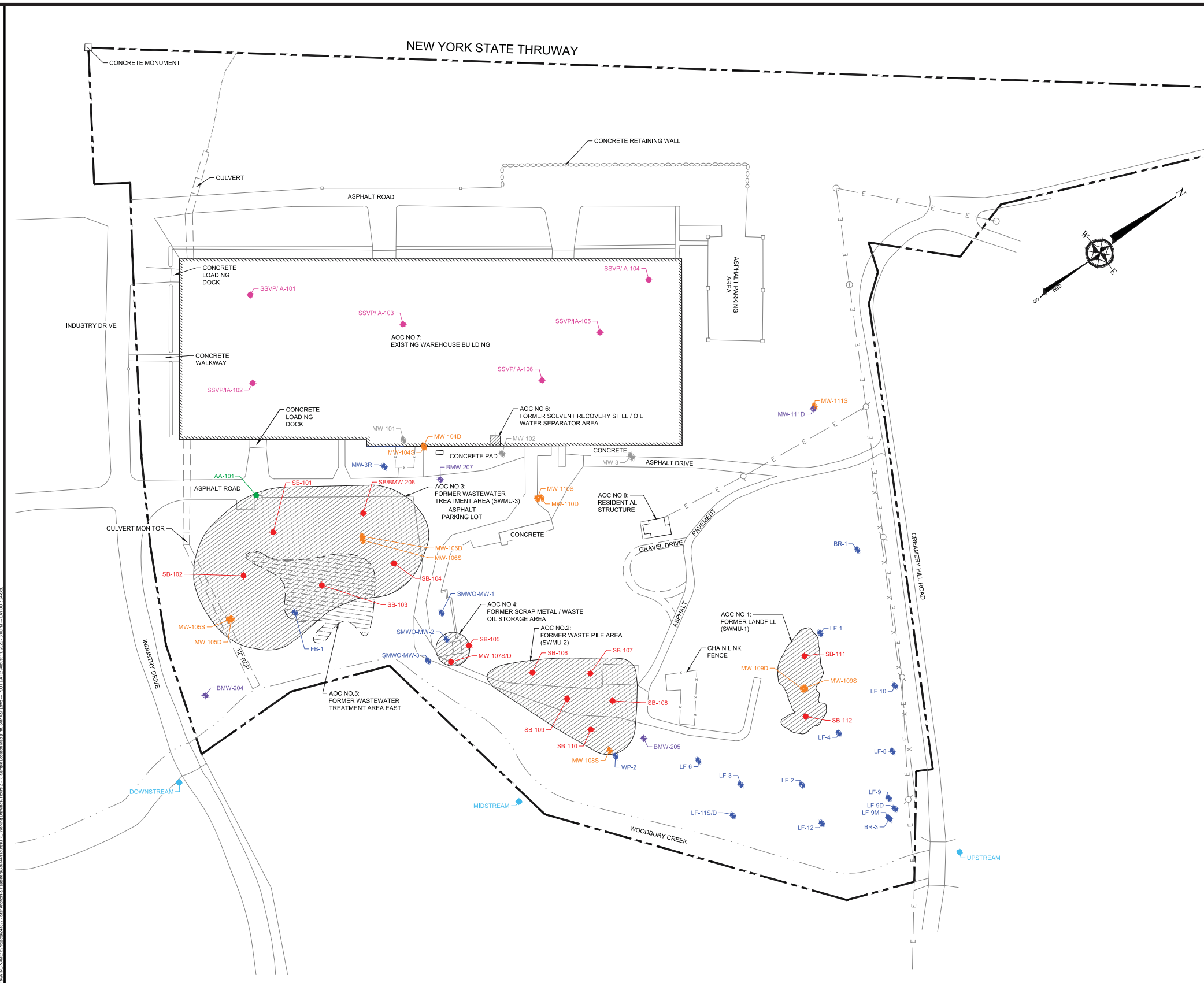
Comment 3.8-11 (Public Hearing January 3, 2023, Mr. Richard Randazzo, 90 Pea Hill Road): I think in order to advance this project that site should be cleaned up because you have to consider all the property owners around it that use that for their wells, drinking water and the exposure they could have unnecessarily and no guarantee what the future holds once that site is disturbed, put on a 50,000 square foot addition and parking areas and everything else. So I just encourage the Town to look more deeply into the environmental issues pertaining to the hazardous waste on-site.

Response 3.8-11: *As described above, the site remediation is being closely coordinated with the NYSDEC. The applicant's environmental engineer and the NYSDEC will ensure worker and public safety during and following construction.*

Comment 3.8-12 (Public Hearing January 3, 2023, Mr. Joe DeSalvo): There ought to be some kind of really in-depth environmental study penetrating that ground to see at least, so you can at least map, get some kind of map to say hey, you know what, this is not going to be anywhere near that, we did a survey and we found out.... There ought to be a good site survey with penetration that at least show where this Superfund classified material is, where it is and the density and the specific locations so at least we have some kind of idea. Because otherwise you just can't go out there with a gas detector, take samples and say yeah, we think there's something here that might have been, let me take that over there.

Response 3.8-12: *As described above, several in-depth environmental investigations and clean-up have occurred over the period 1994 through 2000. These studies and results are provided in the Remedial Investigation Report prepared by TRC Engineers, Inc., as provided in Appendix E of the DEIS. A Remedial Investigation Sample Location map was included in the DEIS and is provided as Figure 3.8-1, following this section. The map shows multiple sampling locations for: soil, surface water, groundwater, indoor*

air and outdoor air. The map shows the eight (8) areas of concern, as identified by TRC Engineers, Inc.



- LEGEND (SYMBOLS NOT TO SCALE):**
- BUILDING BOUNDARY
 - PROPERTY BOUNDARY LINE
 - APPROXIMATE EXTENT OF AOC (BASED ON REPORTS BY OTHERS)
 - APPROXIMATE EXTENT OF AOC-5 (BASED ON REPORTS BY OTHERS)
 - GROUNDWATER MONITORING WELL
 - GROUNDWATER MONITORING WELL (NOT FOUND DURING DECEMBER 2015 AND/OR DECEMBER 2016 INSPECTION)
 - SHALLOW AND DEEP MONITORING WELL CLUSTER (INSTALLED APRIL TO MAY 2019)
 - BEDROCK MONITORING WELL (INSTALLED APRIL TO MAY 2019)
 - SOIL BORING TO BEDROCK (INSTALLED JANUARY 2018 AND APRIL TO MAY 2019)
 - SUB-SLAB VAPOR / INDOOR AIR SAMPLE LOCATION (SAMPLED MARCH 2017)
 - OUTDOOR AMBIENT AIR SAMPLE LOCATION (SAMPLED MARCH 2017)
 - SURFACE WATER SAMPLE LOCATION (SAMPLED SEPTEMBER 2018)

- NOTES:**
1. THE PHYSICAL FEATURES AND PROPERTY BOUNDARIES SHOWN ARE FROM A SCANNED SURVEY MAP PREPARED BY JOHN A. MCGLOIN DATED JULY 29, 1996. LOCATIONS AND DIMENSIONS OF PHYSICAL FEATURES AND PROPERTY BOUNDARIES ARE APPROXIMATE.
 2. SURVEYED MONITORING WELL INFORMATION REFERENCED HORIZONTALLY TO THE NORTH AMERICAN DATUM OF 1983 (NAD 83) PROJECTED ON THE NEW YORK STATE PLANE COORDINATE SYSTEM (EAST ZONE) BASED ON THE GPS SURVEY COMPLETED ON NOVEMBER 5, 2019 BY SUSAN M. ANACKER, PLLC.
 3. AOC - AREA OF CONCERN
 4. SWMU - SOLID WASTE MANAGEMENT UNIT

SCALE: 1" = 60'
SHEET SIZE: 24" X 36"

PROJECT: FORMER STAR ANCHORS AND FASTENERS NYSDEC SITE NO. 336008 MOUNTAINVILLE, NEW YORK	
TITLE: REMEDIAL INVESTIGATION SAMPLE LOCATION MAP	
DRAWN BY: H. DELGADO	PROJ. NO.: 336744
CHECKED BY: J. KING	
APPROVED BY: J. LAROCK	FIGURE 2
DATE: AUGUST 2020	
10 Maxwell Drive, Suite 200 Clifton Park, NY 12065 Phone: 518.688.3154 www.TRCEngineers.com	
FILE NO.:	Figure 2 - RI Sample Location Map (Form. Star A&F).dwg

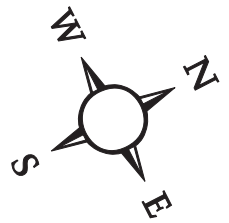


Figure 3.8-1: Remedial Investigation Sample Location Map
Star Warehouse Property
Town of Cornwall, Orange County, New York
Source: TRC Engineers, Inc.

3.9 EMERGENCY SERVICES COMMENTS AND RESPONSES

Comment 3.9-1 (Public Hearing January 3, 2023, Ms. Mullarkey): The emergency fuel storage tank to serve the fire safety pumps may be diesel powered, the applicant should complete a design of the fire safety pumps to include the selection of how the pumps are powered.

Response 3.9-1: A preliminary design of the fire safety pumps is provided in DEIS Appendix F – Fire Safety Design. The fire pumps are currently designed as diesel powered. The pumps will be designed to meet NYS Fire Code and NYSDEC requirements for petroleum storage. Any storage tanks will have secondary containment. The final design of fire safety equipment will be provided during site plan review.

4.0 UNAVOIDABLE ADVERSE IMPACTS COMMENTS AND RESPONSES

No comments were received on Unavoidable Adverse Impacts.

5.0 ALTERNATIVES COMMENTS AND RESPONSES

No comments were received on Alternatives.

6.0 IRREVERSIBLE COMMITMENT OF RESOURCES COMMENTS AND RESPONSES

No comments were received on Irreversible Commitment of Resources.

7.0 GROWTH INDUCING COMMENTS AND RESPONSES

No comments were received on Growth Inducing impacts resulting from the project.

8.0 EFFECTS ON THE USE AND CONSERVATION ENERGY COMMENTS AND RESPONSES

Comment 8-1 (Letter 1, Obed Varughese - Planner, Orange County Department of Planning Letter, December 21, 2022): The applicant should integrate rooftop solar panels into the project design to offset the need to rely on the existing power grid and to increase the resilience of the proposed buildings. Orange County has adopted the C-PACE Commercial Property Assessed Clean Energy Program that can provide financing up to 100% of the cost of a rooftop solar project. For more information go to orangecountygov.com/295/C-PACE.

Response 8-1: *The applicant may consider roof-top solar panels to offset power demand, although this is not currently part of the design. The building addition will be constructed to the latest energy efficient NYS Building Code requirements.*

9.0 CLIMATE CHANGE COMMENTS AND RESPONSES

No comments were received on the Climate Change portion of the document.