

Appendix A

Public Comments and
Public Hearing Transcripts

Letter #1



Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1, m, & n

Local Referring Board: Town of Cornwall Planning Board

Applicant: Cornwall Properties, LLC

Project Name: Star Warehouse Expansion

Proposed Action: DEIS for the proposed 50,000 sq. ft. expansion to an existing 185,835 sq. ft. warehouse building and other site improvements including four new loading dock, modifications to parking, drainage, signage, and emergency access in the PIO District.

Reason for County Review: Within 500' of a State Road (NYS State Route 32)

Date of Full Statement: TBD

Referral ID #: COT20-22M

Tax Map #: 33-1-49.12

Local File #: None Provided

Comments:

The Department has reviewed the above referenced DEIS and overall site plan in accordance with the State Environmental Quality Protection Act and Section 239, paragraphs l and m of the NYS General Municipal Law. We would like to offer the following advisory comments for your consideration to mitigate potential environmental impacts and improve the quality of the proposed project.

1. Traffic

3.4-1

- 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.

2. Solar

8-1

- 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.

3. Lighting

3.7-1

- 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 to 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

THESE ARE MAJOR ISSUES I THINK WE CAN ADDRESS AT BOARD LEVEL - UNLESS YOU WANT TO PUT THIS INTO RECORD AS POINT OF PUBLIC HEARING.

See reverse side

PB# 11-06

RECEIVED
DEC 27 2022

BY: _____
CORNWALL BUILDING DEPT.

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 with infrequent usage.

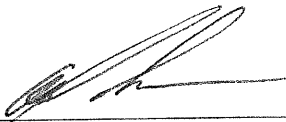
4. Human Health/Environmental Constraints

- 3.8-1
- 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.

We appreciate the opportunity to comment on the project during the environmental review process. We look forward to reviewing future project materials as the planned development moves forward, including the Final Environmental Impact Statement and final site plan review.

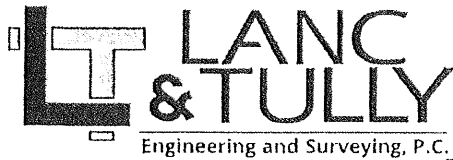
Date: December 21, 2022

Prepared by: Obed Varughese
Planner



Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at www.orangecountygov.com/planning.



TOWN OF CORNWALL
PLANNING BOARD REVIEW

Project Name: Star Warehouse

Town Project No. 16-05

Project Location: 20 Industry Drive / SBL: 33-1-49.12

Reviewed by: Kristen O'Donnell

Date of Review: December 29, 2022

Plans Reviewed: Draft Environmental Impact Statement (DEIS) last revised November 30, 2022 prepared by Tim Miller Associates with appended plans dated September 27, 2022 prepared by Pietrzak & Pfau.

Project Summary: The applicant proposes a 50,000 square foot addition on an existing warehouse building and other site improvements including modifications to parking, drainage, signage and emergency access. Main access to the site is from NYS Route 32.

We have the following substantive comments on the DEIS and associated plans:

3.4-2

1. 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 by 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.

3.4-3

2. 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.

3.4-4

3. Will the areas of land banked spaces be graded at the time of construction and remain grass or is some other surface treatment proposed?

3.1-1

4. 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.

3.3-1

5. 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 for the proposed development". This statement is the basis for the conclusion that no impacts will occur to threatened and endangered bat species. This should be clarified.

2-1

6. 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?

- 3.7-2 7. 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 impacts?
- 3.7-3 8. 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?
- 3.8-2 9. 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?
- 2-2 10. Will warehouse operations continue while the building expansion is under construction?
- 2-3 11. The applicant should confirm that construction vehicles will only enter and exit the site via Industry Drive.

Site Plan Comments

- 2-4 12. 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.
- 2-5 13. 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.
- 2-6 14. What is to occur with the existing emergency access path to Star Road? This should be identified on the Site Plan.
- 2-7 15. 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.
- 2-8 16. Sidewalks should be provided around the proposed portion of the building to the egress doors.
- 2-9 17. It appears some of the proposed plantings on the landscaping plan are outside of the identified disturbance line.
- 2-10 18. The property line on the landscaping plan should be identified and should be a different line weight than the grading contour lines.
- 2-11 19. 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.

- 2-12 20. 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.
- 2-13 21. The land banked parking plan should have a summary table that lists existing parking, proposed parking to be construed, proposed land banked parking and total requirement under zoning.
- 2-14 22. Proposed lighting should be shown on the site plan and a detail should be provided.

Procedure

- 2-15 23. 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).

This concludes our comments at this time. If you have any questions please contact our office.



TOWN OF CORNWALL
PLANNING BOARD
SWPPP REVIEW COMMENTS

PROJECT NAME: CORNWALL PROPERTIES LLC SITE PLAN AMENDMENT
(50,000 SF ADDITION TO STAR WAREHOUSE)
PROJECT LOCATION: 20 INDUSTRY DRIVE
SECTION 33 – BLOCK 1 – LOT 49.12
PROJECT NO.: 16-05
MEETING DATE: 3 JANUARY 2022
CONSULTANT: PIETRZAK & PFAU ENGINEERING
PLAN DATE: 27 SEPTEMBER 2022
DESCRIPTION: THE APPLICATION PROPOSES A 50,000 SF ADDITION ON THE NORTH END OF THE EXISTING WAREHOUSE BUILDING, AS WELL AS OTHER SITE MODIFICATIONS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 6 JUNE 2016, 6 SEPTEMBER 2016, 5 DECEMBER 2016, 5 OCTOBER 2020 AND 2 NOVEMBER 2020 PLANNING BOARD MEETINGS. THE BELOW COMMENTS ARE FOR COMPLETENESS REVIEW OF THE SWPPP PREPARED BY THE APPLICANTS’ REPRESENTATIVES.

- 3.1-2 1. All Appendices should be included in consequent submissions of the SWPPP.
- 3.1-3 2. Only two infiltration tests were performed for the proposed infiltration basin, and a minimum of four infiltration tests area required for infiltration practices, regardless of size.
- 3.1-4 3. 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.
- 3.1-5 4. A soil stockpile should be added to the list of erosion and sediment control measures.
- 3.1-6 5. 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.
- 3.1-7 6. The SWPPP should be revised to include any relevant information regarding endangered species, floodplains, wetlands, and SHPO correspondence.
- 3.1-8 7. The SWPPP should include pollution prevention methods for non stormwater discharges becoming a pollutant.
- 3.1-9 8. 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.
- 3.1-10 9. The proposed roof leader locations should be shown on the plans.
- 3.1-11 10. The proposed infiltration practice should not be used as a sediment trap during construction, revise accordingly.

3.1-12

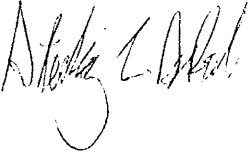
11. Details should be added to the plans for the proposed conveyance swale as well as the proposed infiltration basin.

3.1-B

12. Underdrains should be shown in the proposed infiltration basin as a means to drain the basin if the infiltration rate decreases over time.

Respectfully submitted,

MHE Engineering, D.P.C.



Sterling DePaul, E.I.T.
Staff Engineer



TOWN OF CORNWALL
PLANNING BOARD
TECHNICAL REVIEW COMMENTS

PROJECT NAME: CORNWALL PROPERTIES LLC SITE PLAN AMENDMENT
(50,000 SF ADDITION TO STAR WAREHOUSE)
PROJECT LOCATION: 20 INDUSTRY DRIVE
SECTION 33 – BLOCK 1 – LOT 49.12
PROJECT NO.: 16-05
MEETING DATE: 3 January 2023
CONSULTANT: PIETRZAK & PFAU ENGINEERING
PLAN DATE: 27 September 2022 and DEIS -30 November 2022
DESCRIPTION: THE APPLICATION PROPOSES A 50,000 SF ADDITION ON THE NORTH END OF THE EXISTING WAREHOUSE BUILDING, AS WELL AS OTHER SITE MODIFICATIONS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 6 JUNE 2016, 6 SEPTEMBER 2016, 5 DECEMBER 2016, 5 OCTOBER 2020, 2 NOVEMBER 2020 AND 1 AUGUST 2022 PLANNING BOARD MEETINGS. THE BELOW COMMENTS ARE COMMENTS PREPARED FOR THE INITIAL DEIS PREPARED BY THE APPLICANTS' REPRESENTATIVES.

1. The applicant has prepared the Draft Environmental Impact Statement (DEIS) for the Board's consideration. Our office has reviewed the DEIS and Site Plans and provide the following comments.
2. Section 1.2.1 Mitigation Measures states 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.
3. 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.
4. 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.
5. 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.

3.1-16

3.2-4

2-16

2-17

NEW YORK OFFICE
33 Airport Center Drive, Suite 202, New Windsor, NY 12553
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

PENNSYLVANIA OFFICE
111 Wheatfield Drive, Suite 1, Milford, PA 18337
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

- 2-18 6. 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.
- 3.2-1 7. Section 3.2.1 notes the average water demand at 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.
- 3.2-2 8. Section 3.2.2 states that an emergency fuel storage tank to 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.
- 3.2-3 9. 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 the practice as well as the underlying aquifers. As such, the applicant should review how all “hotspots” will be managed by the SWPPP.
- 3.6-1 10. 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.
- 3.6-2 11. 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.
- 3.8-3 12. 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.
- 2-19 13. As previously requested, the location of the existing septic disposal field should be located on the plans.
- 2-20 14. As previously requested, the size of the existing potable and fire water supply lines should be noted on the plans.
- 2-21 15. The applicant should note what is proposed with the existing water storage tank onsite.
- 2-22 16. The applicant should provide truck turning diagrams for all proposed loading docks.

- 2.23 17. The applicant should evaluate the existing "emergency access drive" to the northeast of the site for compliance with the NYS Fire Code.
- 2.24 18. Our office has prepared the attached SWPPP comments for the applicant's consideration.
- 2.25 19. Our office is currently reviewing the Emergency Services section of the DEIS with comments forthcoming.

Respectfully submitted,

MHE Engineering, D.P.C.



Shawn E. Arnott, P.E.
Engineer for the Planning Board

SEA/st

STORM KING ART CENTER

12 January 2023

Neil Novesky, Chair, Planning Board
Town of Cornwall
183 Main Street
Cornwall, New York 12518

Dear Mr. Novesky and distinguished members of the Planning Board,

Thank you for soliciting Storm King Art Center's comments on the proposed expansion plan at Star Warehouse (Section: 33, Block 1, Lot 49.12). We understand from the Public Hearing of the Planning Board on Tuesday, January 3, 2023, that comments are solicited on the Draft Environmental Impact Statement as well as the Site Plan and Special Permit.

Storm King evaluated the project with respect to the visual impact from our outdoor museum.

Visual impact analysis

3.7-4 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.

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 plans show 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.

5.7-5 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 be 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."]

Pavement

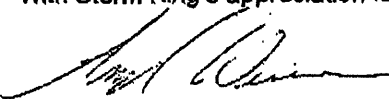
3.7-6 We heard at the hearing on Tuesday evening that the increase in paved area will be 3%. We have not located that fact in the DEIS. With viewed in mind, we ask that the Planning Board confirm the scale of any increases in cleared areas as part of this plan.

Height of water tower

3.7-7 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.

Please let me know if you would like clarification on any of these notes.

With Storm King's appreciation for the work you do on behalf of our community, sincerely,



Amy S. Weisser
Deputy Director, Strategic Planning and Projects

cc: Gary Vinson, Diane Hines, Building Department via dhines@cornwallny.gov

1 Museum Road, New Windsor, NY 12553 · 845.534.3115

Letter #5
RECEIVED
JAN 12 2023
BY: _____
CORNWALL BUILDING DEPT.
PB# 16-05

Philip Grealy

From: Brenner, Jason (DOT) <Jason.Brenner@dot.ny.gov>
Sent: Friday, February 3, 2023 2:33 PM
To: Philip Grealy
Cc: Gorney, Lance (DOT)
Subject: SEQR 23-09 Star Warehouse - Cornwall, NY

This message originated from outside your organization

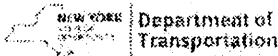
Phil,

The NYSDOT has reviewed the last submission and have the following comments.

- 3.4-14 - 1. Confirm that the intersection sight distance at the driveway meets NYSDOT requirements in charts in chapter 5C of the NYSDOT Highway Design Manual.
- 3.4-15 - 2. Clearly show the sight distance for passenger vehicles and trucks are satisfy for the new driveway configuration. Included a chart showing the sight distance and the existing grade of the roadway to make sure there is a clear sight path.
- 3.4-16 - 3. With the addition of 50,000 sq-ft to the warehouse what percent of new traffic will be truck traffic?
- 3.4-17 - 4. Provided the NYSDOT truck turning templates for the new driveway.
- 3.4-18 - 5. Included a driveway profile and typical section in the next site plans.
- 3.4-19 - 6. 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.
- 3.4-20 - 7. 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.

Jason Brenner

Assistant Engineer
New York State Department of Transportation, Hudson Valley
Traffic & Safety Group
4 Burnell Boulevard, Poughkeepsie, NY 12603
(845) 437-5144 | Jason.Brenner@dot.ny.gov | www.dot.ny.gov



From: Phillip Grealy <Phillip.Grealy@collierseng.com>
Sent: Wednesday, January 11, 2023 9:36 AM
To: Gorney, Lance (DOT) <Lance.Gorney@dot.ny.gov>; Brenner, Jason (DOT) <Jason.Brenner@dot.ny.gov>
Subject: RE: Star Warehouse - Cornwall, NY



Jason,

Not sure if this was attached . This was our previous comment memo to the Town on the Star project requesting the left turn analysis and a few other items for inclusion in the DEIS.

Thanks.

Phil

Philip Grealy, Ph.D., P.E.
Geographic Discipline Leader | Transportation
Valhalla, New York

phil.grealy@collierseng.com
Main: 877 627 3772 | Direct: 914 964 4707 | Mobile: 914 265 2493
collierseng.com (00)

DISCLAIMER: This e-mail is confidential. It may also be legally privileged. If you are not the addressee you may not copy, forward, disclose or use any part of this e-mail for any purpose. If you have received this message in error, please delete it and all copies from your system and notify the sender immediately by return e-mail. Internet communications cannot be guaranteed to be timely, secure, error free or virus free. The sender does not accept liability for any errors or omissions. Any drawings, sketches, images, or data are to be used in strict confidence and are copyright protected.

From: Casey Sawyer <casey.sawyer@collierseng.com>
Sent: Tuesday, January 10, 2023 12:48 PM
To: Gorney, Lance (DOT) <Lance.Gorney@dot.ny.gov>; Brenner, Jason (DOT) <Jason.Brenner@dot.ny.gov>
Cc: Philip Grealy <philip.grealy@collierseng.com>
Subject: Star Warehouse - Cornwall, NY

I'm using Mimecast to share large files with you. Please see the attached instructions.

Good Afternoon,

From Phil:

Lance/Jason,

As discussed, the Town of Cornwall Planning Board is currently reviewing an application for a 50,000 square foot addition to the Star Warehouse located off of Industrial Drive, which intersects directly with NYS Route 32. The existing access has some sight distance restrictions and is non-conforming geometrically. The Applicant has proposed certain modifications and indicated that they have been in contact with NYSDOT. The Town wants to make sure as part of the SEQRA Review that adequate coordination is being undertaken.

Attached is a copy of their DEIS, including their traffic evaluation and their site and access plans. Also, attached is a copy of our last memorandum regarding this project. We have also requested the Applicant provide a left turn lane analysis as well as an analysis of an additional other potential development, which has recently been proposed at the A&W Warehouse which is also proposing a 50,000 square foot expansion and is accessed off of Industrial Drive.

Let us know if you have assigned a SEQRA numbers to this, but we wanted to share this with you so we can coordinate moving forward. The Public Hearing for the project has been closed.

See attached documents for reference.

Phil

Casey Sawyer
Administrative Assistant
casey.sawyer@collierseng.com
Main: 877 627 3772 | Direct: 914 964 4700

Public Hearing Comments #7

TOWN OF CORNWALL

PLANNING BOARD

January 3, 2023

MEMBERS PRESENT: NEIL NOVESKY, CHAIRMAN
LED KLOSKY
WILLIAM GRABE
WILLIAM GRISOLI
JOHN HINES
MARYBETH GREENE-KRAFFT
JOHN HINES

ALSO PRESENT: DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

QUINN MULLARKEY, E.I.T.
PLANNING BOARD ENGINEER

KRISTEN O'DONNELL
PLANNING BOARD CONSULTANT

GARY VINSON
BUILDING INSPECTOR

PHILIP GREALY, Ph.D, P.E.
PLANNING BOARD TRAFFIC CONSULTANT

ABSENT: STEPHEN DRABICK

MEETING AGENDA:

1. Star Warehouse
2. Biagini Woods
3. 2 Girls 1 Boy Holdings LLC

REGULAR MEETING:

MR. NOVESKY: It's 7:00, Steve is not here, I have not heard. Gary, is Gary here? Gary, did you hear from Steve by any chance?

MR. VINSON: I was just reaching out to Diane and we have not heard from Steve.

MR. NOVESKY: He may or may not be here. In the meantime, we have all members here, present except for Steve. Happy New Year everyone. It's that time.

CORRESPONDENCE

MR. NOVESKY: Fran, I'll get you the correspondence. We have some correspondence from the Orange County Planning Department.

APPROVAL OF MINUTES

MR. NOVESKY: Approval of the minutes. Everybody in receipt of the December 5th minutes and Fran did her usual fine job? Are there any additions or corrections?

MR. KLOSKY: Move we adopt the minutes.

MR. GRISOLI: Second it.

ROLL CALL

MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. GRABE	AYE
MR. HINES	AYE
MR. KLOSKY	AYE
MR. NOVESKY	AYE

DISCUSSION - COMMENTS

MR. CORDISCO: Mr. Chairman, I did have one discussion item at Mr. Vinson's suggestion. He wanted us to advise the public that the planning board and the building department do not hand out the comments that have been prepared for the board's benefit prior to the meeting. The board's practice typically is to hand out those comments to an applicant at the meeting cause those comments are directed to the board, board's consultants work for the board. So just, there was a request today for comment in advance of the meeting but it's been this board's practice since I've been involved for the comments to be received and considered by the board first and practically, you know, given to the applicant at the same time as the meeting.

MR. NOVESKY: That always, that's been the practice for 30 years.

MR. LANSKY: Can I get a copy?

MR. CORDISCO: You can have a copy.

MR. LANSKY: After the meeting?

MR. CORDISCO: No, when your item is called is typically when they're handed out.

MR. VINSON: Thank you.

MR. NOVESKY: With that, that has been the practice forever.

MR. VINSON: And it will continue.

RESOLUTION

RPC ELECTRIC (22-12)

MR. NOVESKY: We do have one resolution that we already voted on, Dominic was asked to prepare or to approve the preparation of that resolution for RPC Electric.

MR. CORDISCO: Right, the project on Route 9W. At last month's meeting you authorized me to prepare a draft resolution for this, there are still, there hasn't been a new submission in connection with this project, there's some outstanding information in connection with the on-site septic system and with the location of the water supply which Shawn Arnott has pointed out as the outstanding items. The resolution that I prepared for you includes the standard condition where any technical issues that have been identified have to be addressed by the applicant to the planning board engineer's satisfaction. And so my suggestion would be that the board could either, you actually have a choice of you could wait until the applicant has satisfied Shawn's comments in connection with water and waste water and then consider the resolution or you could move forward with the resolution as prepared. And in addition to that, if the board is inclined to move forward now, you would also have to authorize a written negative declaration that Kristen would circulate to all of the involved agencies.

MR. NOVESKY: We've had a bit of a discussion on this, we know the location, it's an appropriate site for the purpose but does any board member have a comment on it? First why don't we ask do the consultants have a comment? Kristen, on the RPC Electric?

MS. O'DONNELL: You're asking me if the negative dec is appropriate?

MR. NOVESKY: Yes.

MS. O'DONNELL: So yes, I did have conversations with Shawn about this and I think, I think the negative dec is appropriate I think based mainly on the scope of the project and scope of the use of the site and what's going to be going on from there. I don't think that the issue from Shawn's office and Quinn can totally interrupt me if they think that I'm wrong, I don't think that the issue is of whether or not on-site well

and septic are sufficient, I think it's just providing an as-built so everyone would know. And the applicant still is going to be required to get whatever permits that may be required to get and that's also a condition of the resolution before you as well.

MR. NOVESKY: I think that pretty much answers the question, agreed?

MS. MULLARKEY: Agreed, yup.

MR. NOVESKY: Comments from the board? Anything else?

MR. GRISOLI: Concur with the planner.

MR. NOVESKY: I will take a motion for the approval of first negative dec.

MRS. GREENE-KRAFFT: So moved.

MR. HINES: Second it.

ROLL CALL

MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. GRABE	AYE
MR. HINES	AYE
MR. KLOSKY	AYE
MR. NOVESKY	AYE

MR. NOVESKY: I'll look for the motion to approve the resolution as written by Dominic which includes the conditions as per the engineer.

MR. HINES: So moved.

MRS. GREENE-KRAFFT: Second it.

ROLL CALL

MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. GRABE	AYE
MR. HINES	AYE
MR. KLOSKY	AYE
MR. NOVESKY	AYE

MR. VINSON: Sign and giving it to me?

January 3, 2023

6

MR. NOVESKY: Yes, I'm going to give it to you.

DEIS PUBLIC HEARING:

STAR WAREHOUSE

MR. NOVESKY: We have no public hearings scheduled on the regular basis. However, we have a DEIS public hearing for Star Warehouse. Are you present?

MS. MULLARKEY: Here's a copy of Shawn's comments.

MR. NOVESKY: For the purposes of the hearing as a public hearing if we can turn those things around. So this is a public hearing, any member of the public wishing to see this, okay, you have the authority to turn them around. So this is the purpose of this hearing being giving is for public input on the EIS.

MR. KLOSKY: We already have copies.

MR. VINSON: Can you folks see it? Is that not working? I think somebody should hold it up.

MR. NOVESKY: Do you have the comments or you can use mine. Please state your name and your address.

MR. DAHLGREN: Good evening, my name is John Dahlgren from Tim Miller Associates and we're the planning firm, we prepared the Draft Environmental Impact Statement for the proposed project. Here with me is Nick Rugnetta from Pietrzak & Pfau Engineering and they prepared the site plans for the proposed expansion. So the Star Warehouse expansion involves a 50,000 square foot addition to a 180,000 square foot warehouse and it's located at 20 Industry Drive in the Town of Cornwall. And it's, the request requires a site plan approval and special use permit and the entire site's about 37 acres and it's located on Industrial Drive, this is the access, and New York State Route 32. The expansion which is shown here will provide much needed storage space for the building tenants and importantly the building, original building was built in the 1950s and what this will provide is new storage space but also in addition new parking, new loading zones, improvements at the entrance, emergency access and storm water management which Nick will get into. But an important component of all these improvements is the fire safety and we've heard that from the planning board and other comments that that's really important and needs to be addressed for both the addition and for the entire building. And so what we're proposing is a

new 250,000-gallon water storage tank and a new fire safety pump and sprinkler system for the addition as well as for the entire building. I'm just going to briefly go through a couple of the topics in the DEIS and then hand it over to Nick and he can talk about some of the details of the plan but. We covered a lot of topics and basically what we covered in the DEIS was based on a scoping document which is kind of an outline that was prepared and reviewed by the board, we got the comments and that was basically our outline for the rest of our Environmental Impact Statement. So we covered wetlands, I'll just briefly cover a few topics, there are wetlands on the site basically on, near Woodbury Creek and all of the construction is going to be outside of the wetlands and outside of the flood plain. In terms of water usage, this is served by a well, there's no municipal water here, it's a single well and we're proposing to use that same well and not really expand the water demand based on just this storage space so the water rate that we're pumping from the well will stay the same but there will be a lot more water storage in this storage tank. The DEIS has a traffic study that was a concern, we heard from the planning board, we looked at this intersection, it's going to be improved here, we looked into accidents, the site distance, you know, safety for trucks to pull in and out and the level of service, how the additional cars will affect nearby intersections. We also looked at a visual analysis, how the building will look and the building will be higher, it's going from 20 feet to 40 feet in height so it will be visible for drivers on the Thruway and also from the Palisades Interstate Park over here and Schunnemunk State Park. There are some trails that are located across the Thruway. But we also looked at whether the building or the addition will be visible from the Storm King Art Center and we found that it won't be visible from that distance because of the distance and topography. We also looked at emergency services and that revolves around the fire safety issue and that's covered in the Draft Environmental Impact Statement. I will hand it over to Nick to go over some of the details

MR. RUGNETTA: Sure. John pretty much covered most of everything here but our office, Pietrzak & Pfau we did a survey of the property here and with the improvements we coordinated with the DOT so we're going to be modifying the entrance, widening it for the access here and then also there's going to be some resurfacing done along here. As part of the analysis for the project,

what we did with our storm water is we did calculations and a full storm water pollution prevention report for the increase in impervious use or area with the additional loading docks and paved area on the side here, like I said, I think John pretty much covered everything. But that was our portion of it. And if you have any questions I think we'll answer them now.

MR. NOVESKY: Okay, with that, shall we have the input from our consultants or shall we, we'll go directly to public hearing?

MR. GRABE: From the consultants so we don't get duplication.

MR. NOVESKY: Alright, Kristen?

MS. O'DONNELL: So I divided my comments for you on both DEIS and site plan because this public hearing is technically for both, both the DEIS and the site plan. So my first comment is with respect to parking. The applicant has, they are going to be constructing 22 additional parking spaces for 110 spaces 130 spaces shown as land banked which means they're showing them on site but not going to be building them at the time of construction. That's not a bad thing, that's good planning, in some cases the planning board does, excuse me, 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. I don't, the DEIS just didn't provide a lot of rationale. So when you have that standard and I think sometimes it becomes a little bit too much of a formality you do have a standard that says the applicant has to demonstrate to the satisfaction of the planning board that that specific use will require less parking than is mandated by the code. And I think we kind of skipped that step, 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. And then also what does the board, what does the board need some type of trigger so if the applicant doesn't build those spaces at this time and then in two or five years time we're finding the cars are parking on grass or cars are parking outside of the normal parking spaces, building inspector goes out and sees an issue or cars are parking on Route 32 or the main accessway or even the emergency access which needs to be kept open, we

3.4-5

need to have some type of trigger that the building inspector can say alright, it's time to build these additional parking spaces that are shown on your site plan. We need to have some type of trigger for the construction of those spaces. And 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 now, are they not going to be graded, is that going to be later?. So just a little bit more information about those land banked parking spaces. Our other comments are kind of more detail oriented, erosion sediment control to Woodbury Creek isn't discussed in any length, although the DEIS concludes there is no impact, 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. The area of new pavement on the site you can see there's a significant amount of pavement directly opposite the loading dock, I know based on the workshop meetings that we've had there's been historically materials stored there, whether it be sea land containers, parking of construction material or parking of machinery and so we're asking for a little bit more information on what's going on in that area, just kind of land as new pavement. Visual impact analysis was provided, the applicant discussed it a bit in his presentation, there's some items that I think are kind of left out of that, the water tower being one of them. Not shown in the visual impact analysis, not really discussed as to what impacts and it's obviously the highest structure on the property. Lighting impacts not discussed in the visual impact analysis, that needs to be discussed, with respect mainly of course to the adjacent residential properties. 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 was an analysis that was done, there was soil testing done for the site and it basically concludes while the building is going on top of it so it's being capped and that's the end of it. Of course 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. My other questions with respect to construction vehicles entering, again, most of my

3.4-5

3.4-6

3.1-14

3.3-2

2-6

3.7-8

3.7-9

3.8-4

comments are with respect to impacts on the adjacent residential properties, obviously this site at this point off 32 is intended for trucks, 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. So

2-27

those are my comments on the DEIS. The rest of my comments are related to site plan. The site plan is kind of still being designed which we understand but we had some additional detail comments on the monument sign, the existing main access 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 with in a post construction, if it's going to be removed or seeded and grassed. The truck turning

2-28

analysis is discussed in the DEIS, there are no impacts but those plans were not provided in my copy. They were also not provided in the dropoffs online so I assume they weren't provided in anybody's copy. The truck turning analysis needs to be provided for our review. Landscaping plan we reviewed, there's

3.4-7

landscaping provided around the outside of the detention pond between the proposed building and the adjacent residential properties, pretty thin, not a lot of trees, mostly shrubs, not mature shrubs. The other place that there's some landscaping proposed is behind the new pavement area, again, if you look at the visual impact analysis provided in the DEIS that's probably the most critical view and the most open view directly from the Thruway and across the Thruway is of course the state parkland so I think that that, the

2-29

landscaping plan could really use some review and some supplement there along the Thruway and right between the neighbors and the proposed building. The land banked parking plan, there's a plan provided on its own but the summary table is kind of just a, the parking table that's provided just needs to be transferred over. We talked a little bit about procedure, when I

2-30

was first was in the workshop the document was not filed with the town planning clerk until December 14, 2022, so even though the cover page of the DEIS, so the November date, the date of filing with the lead agency was December 14, so SEQRA requires 30 day public comment period and in which must include ten days following the close of the public hearing. So based on the date of filing, we recommend that the comment period be extended beyond those ten days. We recommend that it be extended to January 17 and that's as I point out the 16th is a holiday, 15th is a Sunday so don't really want to end the comment period on a Sunday or a

holiday unless Diane wants to work that day.

MR. VINSON: No, I can tell you that.

MS. O'DONNELL: So Monday or Tuesday would probably be the best option to make sure we hit 30 days public comment period and that by the way that extending to the 17th assumes that you choose to close this public hearing and you have no obligation to close the public hearing.

MR. NOVESKY: Thank you. Does that require a resolution?

MR. CORDISCO: No, not at this time.

MR. NOVESKY: Thank you, Kristen, very well done. Quinn?

MS. MULLARKEY: Yup, so some of Shawn's comments are duplicative of what Kristen previously stated. But some of the bigger ones are our office has prepared SWPPP comments and you guys have a copy of those so I won't go through much of those. One of his comments is a, it's not clear about the water demands whether or not additional is necessary so that should be clarified. Another item he comments on is that the average water demand at the site is 2.308 gallons per day, the applicant should provide a copy of the SPDES permit for the waste water discharge. Like I said, a few of these have already been discussed. And 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. A lot of these are technical, skip to the end, we have the fire suppression portion of the DEIS, draft DEIS and we are currently reviewing that so we'll provide comments on that as well.

2-31

2-32

3.8-5

MR. NOVESKY: Thank you, Quinn. We do have a traffic consultant with us, Mr. Grealy, the Honorable Mr. Grealy, would you happen to have comments for the draft?

MR. GREALY: So. Yes most of these I don't have the written comments, it's carry-overs from my previous written correspondence. So Phillip Grealy from Colliers Engineering and Design. We had reviewed the study that's contained in the DEIS, just a couple

additional highlights that what the applicant has already stated, the current intersection of Industrial Drive and Route 32 based on current DOT standards is a non-standard intersection, they're proposing certain improvements to improve sight distance, improve the geometry of the intersection itself, they point out that they can satisfy the, what's referred to as the required stopping sight distance. So part of their study they looked at volumes and they looked at speeds along Route 32, based on those criteria you determine what the sight distances that should be provided, they provided the stopping sight distance which is what the minimum that you want to provide, they're short of what we call intersection sight distance. So in that

regard, 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 any 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.

3.4-8

Also, as part of our review, we had requested a left turn lane analysis but that is in addition to what we call the capacity analysis, which is in the document 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.

3.4-9

It may have been provided to DOT but we need to get their input on that. If the town hasn't already received emergency services comments should be received, we have coordinated some of these with Shawn already 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.

3.4-10

In terms of the correspondence there was a letter from Orange County Planning which talks about traffic and the improvements to the access, those are fine but again 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.

3.4-11

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 provided with higher volumes.

3.4-12

And all that shows is that if that did occur the need for the left turn lane

would even be more substantial. In terms of that those are our major comments. Again, I think the most important thing is we need to get input from New York State DOT on the, what we'd like to see as conceptual approval of the improvements that they're proposing so that the board can move forward with the rest of the application.

MR. NOVESKY: Very good, thank you, Mr. Grealy. For the record, I think, Led, you wanted to incorporate some of the--

MR. KLOSKY: Just want to make sure you've seen the letter from the county.

MR. DAHLGREN: We didn't see that yet, no.

MR. NOVESKY: The purpose of this is to have public input but in order to prepare for public input we want you to know what we know now so you don't have to duplicate what was said. All these things are going to be responded to by the applicant so now you know what we have already looked at or what members of the board have already looked at and you can kind of add to that, we welcome your input. With that?

MR. KLOSKY: I will state real quickly since the purpose is to make sure the public doesn't misunderstand the issues we're already pursuing that county recommends a Mr. Grealy traffic study, they recommend consideration of solar rooftop to mitigate pulls on the grid in that area, they have some detail recommendations regarding how the lighting on the site should be handled to minimize impacts and they have some on the Human Health environment that very much echo what Mr. Miller provided. My I ask one question of our consultants based on their input we just received? So Mr. Cordisco, it's my understanding that the current fire prevention system at the site is shared with lot 49.11 south.

MR. CORDISCO: That's my understanding as well, I can't verify.

MR. VINSON: I can verify that and the address is 19 Industry Drive.

MR. KLOSKY: Fire prevention as you know has been one of my principal--

MR. NOVESKY: Gary mentioned something.

MR. VINSON: It is shared with 19 Industry Drive.

MR. KLOSKY: Right, which is I believe lot 49.11.

MR. VINSON: Yes, correct.

MR. KLOSKY: And so 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. And I think that the DEIS needs to address that in detail because I don't believe that the construction of a 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.

2.33

MR. NOVESKY: Thank you, Led. Again, let me reiterate the purpose of the public input is not necessarily for the project but rather for the Draft EIS, so if you feel that the consultants or anyone missed something your input is very valuable in terms of amending any questions that might be generated from the DEIS. And with that?

MR. CORDISCO: I can expand on that a little bit. So this project has been pending since 2016 and the applicant has advanced at this point a Draft Environmental Impact Statement which is basically the applicant's view of how to address the potential environmental impacts associated with that project. The board has reviewed this Draft Environmental Impact Statement and has compared it to the scope for this project for the purposes of identifying whether or not there is enough information there for the public to consider what's being proposed. By the board accepting the Draft Environmental Impact Statement does not mean that the board agrees with what the applicant is proposing to do or the mitigation measures that they propose. So it's really a necessary step in the process to open this up for public comment at this point. And this is an important public hearing because this public hearing is on the Draft Environmental Impact Statement, this is the public opportunity to comment substantively about the project. So if you

have comments regarding this project like now is the time to make them and in addition to that, any comments that are made will have to be addressed by the applicant in a Final Environmental Impact Statement and the way the applicant addresses those is up to the board as to whether or not those responses to those comments are sufficient and adequate for the project to move forward.

MR. NOVESKY: That's why we have lawyers. Very good, thank you, Dominic. Okay, with that?

MR. CORDISCO: One of the few times that, you know, I feel wanted and loved, thank you.

MR. NOVESKY: Well, thank you. With that, I'll look for public input and if you can state your name and your address and state your purpose? Welcome aboard.

MR. DE SALVO: Hi, thanks for the opportunity, my name is Joe DeSalvo, I live in that piece of property on that piece of property right there right across the street from the main entrance so as I'm washing my dishes I get to listen and see the tremendous amount of truck traffic that comes in there from early in the morning until late at night and not five days a week, more than that. So I have several considerations,

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, because that even with an appropriate DOT intersection it's still traffic and those heavy trucks come down the road, when they have to stop it rumbles and it's nerve-racking and I would invite anybody here because it is a property value thing, I would invite anybody here to spend 15 minutes at the entrance there any time during the week and listen and watch the amount of truck traffic that comes in and out of there. So the truck volume and potential increased volume is a consideration for me, certainly it's not going to help the value of my property but that's not the whole reason why I'm here.

3.4-13

I am concerned about the fact that this was on a Superfund site, heavy metals from what I understand, I did some research on the internet, they said it was not mothballs, I forgot the term, but it was inactive. To

3.8-6

my knowledge, there's never been any remediation on this site so how that dropped off the radar and went

3.8-6

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, I mean, yeah, maybe the project is going to cap it, maybe, I don't know, is it?

3.8-6

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, there's not like widgets being made or machinery operating or toxic materials flowing into a drain somewhere 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?

3.8-7

Because we all have wells there and how is it going to affect and what are they going to be putting into the ground? And, you know, 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? So, you know, additional noise, truck traffic, being an impact, the effluent and the draw on the wells were my major concern and that's pretty much it.

MR. NOVESKY: That's an excellent summary, thank you very much. Are there any other public comments?

MS. CASSIMENTI: My name is Allison Cassimenti, I live at 7 Creamery Hill Road. And I have pictures of my house so that you get a better picture of where I live and my comments so here is where the proposed expansion will be, this is my house. This is my dug well right here, see that, this is my house expansion here, my dug well is right here.

MR. NOVESKY: Ma'am, I might point out the purpose is to invite questions on the EIS which is just so you know.

MS. CASSIMENTI: Correct, I just want, I'll get there, I just want you to know my vicinity to the planned property. So, okay, so my concern of course is where the expansion is this is already elevated right here, this is already elevated here, I don't know if you're familiar with the property and there are two pipes coming out from these berms here, what happens the water flows into the street and it goes directly into my property directly, it flows right into my property.

And so I have a copy of the, from 2018 the DEC claiming that the contaminants of concern number one, lead, solvents, that have not been remediated 100 percent.

I'm concerned about that, 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. There are wires hanging that have not been addressed. One of their box trucks turned onto their road, pulled the wires out of my house completely, luckily there wasn't a fire and to this day the wires are still hanging not addressed. And so what they do is they just cut the grass around the wires so now the grass/weeds are this high because they don't want to cut wires. So instead of addressing the safety issue, forget even the maintenance, the safety issue to this day it's still not corrected. 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.)

2.34

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.)

3.8-8

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 look at the, a skyscraper, so to speak, a wall.)

3.7-10

I met a couple that was going to buy the property right in front of mine, as soon as they heard about what's coming they pulled out of the deal, I believe it was the day before the closing, so that just goes to show my property value is nonexistent at this point. And that's where I stand and I own two acres so it goes directly down parallel to where this is going to be where this is proposed.

MR. NOVESKY: Thank you, ma'am, for your input. Did you get all that?

MR. DAHLGREN: Yes.

MR. NOVESKY: Any members of the public?

MR. RANDAZZO: Richard Randazzo, 90 Pea Hill Road. I think my focus really is on the environmental concerns for the hazardous waste site that's there. Going back historically as I recall, don't quote me on this because it's been 20 years and a lot of time passes.

- 3.8-9

MR. NOVESKY: We'll quote you on everything cause we have it in the minutes but we won't quote you.

MR. RANDAZZO: That's okay. But I think when the original property owner after the bankruptcy acquired the property through the bankruptcy 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, again, don't quote me on it, but I think they spent a million to two million dollars cleaning up 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. Secondly, I think when, I'm not an engineer, I'm not a chemist, but if it hasn't been mitigated which it hasn't and 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 so I think that's a real focus and 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.

3.8-10

Another thing for the record going back I think more than 15 years ago the DEC actually tested a few dozen wells in the area, they did it over a period of time, so they do have information on it and all. But you can't, the town cannot let this, this is a golden opportunity, I think you mentioned, Mr. Chairman, with respect to 2016 originally submitted but 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

3.8-11

waste on-site.

MR. NOVESKY: He's a walking institution of history. Thank you. Very good. Any other public comments related to the project for the DEIS? Seeing none, I will, oh, yes?

MS. WEISSER: Hi, Amy Weisser from Storm King Art Center. I wonder if you could show me something on the map so we can better understand the visual impact? I did read your draft, it says using full foliage photos that there's, we can see the water tower but we won't be able to see the building. I don't understand 100 percent, you know, how, you know, that is so could you just show me a couple things?

MR. DAHLGREN: Sure.

MS. WEISSER: So where is the water tower?

MR. DAHLGREN: The current water tower, that big silver is right here.

MS. WEISSER: So you show that we can see the water tower but not this building but this building doesn't exist yet?

3.7-11

MR. DAHLGREN: Correct.

MS. WEISSER: And this building is twice as high as the existing building and it's closer to the road?

MR. DAHLGREN: Correct.

MS. WEISSER: How tall is the water tower?

MR. DAHLGREN: I don't know exactly, I can find that out.

MS. WEISSER: That'd be terrific. Now, to where are you moving the water tower?

MR. DAHLGREN: It's going to go from here to right over there, so very close in proximity and the new water tower will be shorter than the existing water tower.

MS. WEISSER: Okay, it would be great to get both of those dimensions. Okay, and Kristen mentioned there's a \$250,000, 250,000 gallon water tank, this is what you're talking about moving, they're the same thing?

MR. DAHLGREN: Yes.

MS. WEISSER: And where is the new paved area?

MR. DAHLGREN: Here.

MS. WEISSER: Got that. And the expansion area?

MR. DAHLGREN: This in gray.

MS. WEISSER: I thought that was the building, so where is the building?

MR. DAHLGREN: The building is right here.

MS. WEISSER: Where is the new building?

MR. DAHLGREN: Right there.

MS. WEISSER: No, I'm sorry, the expansion area?

MR. DAHLGREN: Oh, the parking right here and then here and here so along the side of the building.

MS. WEISSER: Are you creating more paved areas as part of this project?

3.7-12

MR. DAHLGREN: There will be some increase in pavement.

MS. WEISSER: Of what order of magnitude?

MR. DAHLGREN: That's in the document, I don't actually know.

MS. O'DONNELL: Three percent.

MS. WEISSER: Alright, thank you.

MR. DAHLGREN: Sure.

MR. DE SALVO: I just have one other brief comment.

MR. NOVESKY: Are you, Amy, are you finished?

MS. WEISSER: I got the answers, we're going to go look.

MR. DE SALVO: It's again what the hazardous material, is. A Superfund is a site, a Superfund site, if there's anybody in the room that's not aware that was a

serious thing, it started back in the '70s but that wasn't somebody spilling 50 gallons of oil, whatever, that's a serious thing to get on that list. You didn't get on it just by dumping some gasoline on the ground. So my concern is if they're going to do any construction there, if they're going to, if they're going to cap it, it's not going to cap it, to me 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 because there was a building years ago right here that to my knowledge when I first moved to Mountainville like 30 years ago a little metal building which was washed away during that big hurricane we had several years ago and in that little metal building from what I understand there was some kind of testing equipment or something that monitored ground water or water that flowed into that creek right there. But to me as a minimum remediation or not there ought to be a good site survey with penetrations 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. Superfund site is a serious thing. And I don't want that and that was a good point you made that this would be an opportunity for somebody to say hey, you want to build something there, this is just something we need to address, there wouldn't be a better time because once this building gets in there I'm also concerned also to hear your comment about the--

3.8.12

3.8-12

MR. KLOSKY: In the ground water, have you tested your well?

MS. CASSIMENTI: No.

MR. DE SALVO: Well, I would advise you to do that so there are concerns here, environmental concerns. Thank you, that's it for me.

MR. NOVESKY: Well, thank you. And that's invaluable public input and it will be incorporated into the EIS and those answers will be coming.

MS. CASSIMENTI: Can I ask something also? I moved

there--

MR. NOVESKY: Just for the record would you mind stating your name again?

MS. CASSIMENTI: Allison Cassimenti, 7 Creamery. I moved there May of 2021, I had to call the fire department twice already for flooding in my basement. I'm told there's a high water table there that I was not aware of. So I'm also concerned with any additional water in that area, whether it be storm water, you know, or any sort of water in that area. It's troubling, it's troubling because I had to call the fire department twice with four feet of water, you know, it's just now that it's is raining couple days it will, I will have water in the basement. So there's, it's a high water table, it's already a water issue and now there is a proposed storm, you know, drain system right along there, we can't take anymore water in that area.

3.1-15

MR. NOVESKY: Just for the record, I believe that our engineer has already--

MS. MULLARKEY: Correct, the applicant provided a Storm Water Pollution Prevention Plan and our office has reviewed it and given the applicant comments on that.

MR. NOVESKY: It's already incorporated into the EIS.

MS. CASSIMENTI: Great, thank you.

MR. DE SALVO: Is there going to be followup for the public for this meeting to the things we brought up?

MR. NOVESKY: Yes, the purpose of your input is that they be considered and incorporated into the Environmental Impact Statement that they're preparing so your questions and issues should be addressed through that, if they're not, we'll make sure we won't approve it.

MR. KLOSKY: Can I ask as a followup on Amy's question? So my, 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?

3.7-13

MR. DAHLGREN: I don't believe it's in service.

MR. RUGNETTA: It's not.

MR. KLOSKY: It's currently not in service so this might be an opportunity.

MR. NOVESKY: Okay, any other questions? The public hearing will remain open until what's the time limit, Dominic?

MR. CORDISCO: Well--

MRS. GREENE-KRAFFT: The 17th.

MR. CORDISCO: The recommendation from Kristen is to extend the written comment period until January 17 which would be that Tuesday following the Martin Luther King holiday. However, that's only if the board decides to close the public hearing portion tonight, if you decide to continue the public hearing at next month's meeting the written comment period would be extended into February.

MR. NOVESKY: With that I'll ask the board's opinion. John?

MR. HINES: There's no more public comment that I'm hearing now but I'm open to keeping it open if the board members are interested in that.

MR. NOVESKY: Okay. Marybeth?

MRS. GREENE-KRAFFT: I would definitely want to hear from any public that would want to comment on this until the 17th.

MR. GRISOLI: Concur.

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?

3.7-14

MR. DAHLGREN: We did not put up balloons.

MR. GRABE: How did you determine that there was no visibility from Storm King Art Center?

MR. DAHLGREN: It was a visual because to be able to see the water tower or the cell tower from Storm King

that would indicate there's potential to see the new height of the building.

MR. GRABE: So the water tower is pretty much the same height as the new building?

3.7.14

MR. DAHLGREN: I'll have to check, I think the water tower is a bit higher than the proposed height of the building.

MR. GRABE: Okay, thank you.

MR. NOVESKY: Bill?

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 affect of say a common area like Industrial Drive and the traffic and those sorts of things, are you in discussions at all?

2.35

MR. DAHLGREN: I will just be up front that we just learned about the proposed addition or activity on the adjacent property and when we got into this we weren't aware of that so we didn't look at cumulative impacts but certainly as their plan becomes more clear or if we get more information about that we can incorporate that in the final impact statement.

MR. GRISOLI: I think some things are going to overlap, okay, thank you.

MR. DAHLGREN: Okay.

MR. NOVESKY: With that and judging by the consensus of the board.

MR. KLOSKY: I'm going to echo Bill's comment in that, you know, to have shared facilities for both transportation and fire prevention and I think that the 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 of 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.

2.36

MR. NOVESKY: And Led, do you have an opinion on whether we should extend the open public hearing?

MR. KLOSKY: Yeah, I believe extending the public hearing to the 17th that would be for written comment.

MR. NOVESKY: Actually, the question is shall I, is it your opinion we should close the public hearing now or set it for, extend for next month?

MR. KLOSKY: Extend for written now, I would suggest that we leave it open for written comment through the 17th of January as I think Kristen was recommending and that we then address and consider those at our next meeting or soon thereafter as the applicant can provide feedback and modifications.

MR. NOVESKY: So your position is that we close the public hearing and leave the public comments until the 17th?

MR. KLOSKY: Yes, I think, yeah, I don't know whether the public hearing stays open for the time of the written comments or not but the wording is there.

MR. GRABE: Is that a motion?

MR. NOVESKY: No, I'm looking for a consensus before I go to a vote, I was hoping not to, do you want to reconsider?

MR. HINES: No. Reconsider?

MR. NOVESKY: To close the public hearing and include it open for written comment until the 17th.

MR. KLOSKY: Any written comments will be addressed in the draft. Motion to close the public hearing to the extension to the 17th for written comment.

MR. CORDISCO: Just so everyone's clear, that has to be, written comments have to be received by the 17th, they can be submitted via e-mail to Diane Hines or they can be delivered to Town Hall or they can be e-mailed but they should be received by the 17th.

MR. HINES: Second it.

ROLL CALL

January 3, 2023

27

MRS. GREENE-KRAFFT	AYE
MR. GRISOLI	AYE
MR. GRABE	AYE
MR. HINES	AYE
MR. KLOSKY	AYE
MR. NOVESKY	AYE

MR. DAHLGREN: Thank you very much.

MR. NOVESKY: Thank you for your comments public, very valuable. With that, we'll move on to Biagini Woods.

Appendix B

SWPPP

Star Warehouse Expansion

**Town of Cornwall
Orange County, New York**

Stormwater Pollution Prevention Plan

Narrative

**PIETRZAK & PFAU ENGINEERING & SURVEYING, PLLC
262 GREENWICH AVENUE
GOSHEN, NEW YORK 10924**

P&P No. 29106.01
February 2016
August 2016
November 2016
May 2023
September 2023

TABLE OF CONTENTS

- I. Executive Summary
- II. Design Point Designation
- III. Existing Conditions
- IV. Proposed Conditions
- V. Stormwater Management
- VI. Stormwater Quality and Runoff Reduction
- VII. Erosion and Sediment Control
- VIII. Stormwater Infrastructure Maintenance

APPENDICES

1. Stormwater Pollution Prevention Plan (SWPPP) Certifications
2. Draft MS4 Stormwater Pollution Prevention Plan (SWPPP) Acceptance Form
3. Draft Notice of Intent (NOI)
4. Draft Notice of Termination (NOT)
5. New York State Parks, Recreation, and Historic Preservation Correspondence
6. Federal Emergency Management Agency (FEMA) – FIRM Panels
7. National Wetlands Inventory Mapping
8. New York State Department of Environmental Conservation – Natural Heritage Program Correspondence
9. Drainage Basin Maps
10. TR-20 Hydro-CAD Calculations – Existing Conditions
11. TR-20 Hydro-CAD Calculations – Proposed Conditions
12. TR-20 Supporting Data
13. Stormwater Quality and Runoff Reduction – Calculations & Supporting Data
14. State Pollutant Discharge Elimination System for Construction Activities
Construction Site Lot Book

I. Executive Summary

This report shall serve as the stormwater pollution prevention plan for the Star Warehouse facility. The proposed project is located on the east side of Interstate 87 (I-87) in the Town of Cornwall, Orange County, New York. The project is currently identified as Section 33, Block 1, Lot 49.12 on the Town of Cornwall Tax Map. The total site area is approximately 36.9± acres according to the Town of Cornwall Tax Map. The project is located in the PIO (Planned Industrial/Office) Zoning District.

The Star Warehouse project consists of a proposed 50,000 sq.ft. expansion to the existing facility and a new stormwater treatment facility. The expansion will only be used for additional storage space for the existing business. Additionally, the building will be served by existing water and sewer systems.

The drainage design for this project has been incorporated to provide the appropriate water quality treatment to the stormwater, utilize proposed runoff reduction techniques and standard SMP's with runoff reduction volume capacity, assure that there are no adverse impacts to areas downstream of the project site, and to provide a zero net increase in peak flow runoff from the project site. This runoff has been calculated for the 1, 2, 10, 25, 100 year storm events. The proposed design provides a decrease in net peak flow runoff from the site for all of the design storms studied.

II. Design Point Designation

One (1) design point has been defined to analyze the stormwater peak flow runoff of the project. This design point, identified in the Hydro-Cad model as Pond 1P, is defined as the existing 12" HDPE culvert located under the gravel drive entrance to the site. The stormwater from this design point flows down along a swale on Creamery Hill Road and enters Woodbury Creek. (See Appendix 9 for Drainage Basin Mapping)

III. Existing Conditions

As previously mentioned, the Star Warehouse project is located on the east side of Interstate 87 (I-87) in the Town of Cornwall, Orange County, New York.

The soils located within the drainage basin studied on the project site have been identified in accordance with the Orange County Soils Survey. The site consists of soils from Hydrologic Soil Groups A and B. The soils located in this area are primarily Unadilla Silt Loam, Hoosic gravelly Sandy Loam, and Udorthents soils (See Appendix 12 for further information on these particular soils).

Coverage onsite consists mainly of an existing warehouse building with associated parking areas and access drives as well as existing lawn and wooded areas.

Topography of the study area consists of slopes in the 0% to 10% range (97% of study area), 10% to 15% (1% of study area) and 15% or greater range (2% of study area).

In modeling the existing site for the drainage analysis, the drainage area was taken to consist of one (1) drainage basin. The existing drainage basin, identified in the Hydro-Cad Output as Subcatchment 1S, includes approximately 3.76± acres of land encompassing the project site. (See Appendix 9 for Drainage Basin Mapping). This area is made up of approximately 0.61 acres of existing impervious area, 0.64 acres of brush in fair condition, and 2.51 acres of existing grass cover in good condition. This area is tributary to the previously defined Design Point 1.

IV. Proposed Conditions

In modeling the project site for the proposed condition, the site was taken to consist of two (2) separate drainage basins.

The first drainage basin, still identified in the Hydro-Cad Output as Subcatchment 1S, has been reduced to contain approximately 0.88± acres of land. This area now consists of approximately 0.09 acres of existing impervious area, 0.09 acres of existing brush in fair condition, and 0.70 acres of existing grass cover in good condition. The drainage pattern of this basin has changed slightly but continues to flow to the previously defined Design Point 1.

Due to the proposed building expansion and site grading, one (1) additional drainage basin has been delineated for the proposed conditions of the study. The additional drainage basin has been identified in the Hydro-Cad Output as Subcatchment 2S.

Subcatchment 2S, includes approximately 2.88± acres of land. This drainage area is made up of approximately 0.24 acres of existing impervious area, 1.48 acres of proposed impervious area, 0.39 acres of existing brush in fair condition, and 0.77 acres of grass cover in good condition. This stormwater is conveyed to a proposed stormwater infiltration pond, identified in the Hydro-Cad Output as Pond 2P. This pond will be further discussed in the Stormwater Management section of this report.

V. Stormwater Management

As previously stated, one of the goals of the drainage design for this project is to ensure that there are no adverse impacts to downstream areas. To meet this goal, storm events shall be conveyed to the stormwater management pond onsite where peak flow rates shall be controlled and released. A Hydro-Cad TR-20 analysis has been performed for both the existing and proposed conditions for the 1, 2, 10, 25 and 100 year storm events to ensure that the stormwater management pond will provide the necessary detention time to provide a zero net increase in the peak flow of stormwater runoff from the project site for the design storms studied.

The proposed I-2 Infiltration Basin 2P has been designed with 3 horizontal to 1 vertical (3:1) side slopes and a 10' wide berm with a stabilized access drive for maintenance purposes. This pond will control stormwater runoff from Subcatchment 2S by utilizing a proposed Outlet Control Structure 2P. This outlet structure will control all design storm events and is proposed to

outlet via a 12” HDPE pipe to Design Point 1. Additionally, a 20 foot long emergency overflow broad crested weir has been incorporated into the pond design.

Soils testing has been completed at the proposed pond location to determine the infiltration rate of the existing soil. Two tests were completed at the proposed infiltration depth (Base pond elevation of 262’) and found to have a total stabilized rate of 0.5”/hour and 1.5”/hour. An average of 1.0”/hour was utilized in modeling the proposed pond’s infiltration capacity.

As can be seen in the following tables, the proposed peak flow runoff from the project site has been decreased in comparison to the existing conditions studied for all of the defined design points (See Appendix 10 and 11 for Hydro-CAD output). Additionally, tables have been provided showing the water surface elevations in the proposed I-2 Infiltration Basin. The elevations presented in these tables illustrates the results of the analysis for the 1, 2, 10, 25 and 100 year design storms, and indicates that a minimum of 1 foot of freeboard has been provided in the pond to protect against overtopping.

Design Point 1 (Pond 1P)				
Storm Event	Pre-Developed Peak Flow (cfs) Q out	Post-Developed Peak Flow (cfs) Q out	Change (cfs)	Change (%)
1 Year	0.03	0.00	-0.03	-100.00
2 Year	0.19	0.19	0.00	0.00
10 Year	1.42	1.40	-0.02	-1.41
25 Year	2.85	2.38	-0.47	-16.49
100 Year	8.66	8.61	-0.05	-0.58

Proposed I-2 Infiltration Basin 2P		
Storm Event	Post-Developed Peak Water Surface Elevation	Freeboard (ft.) (Pond Top at 266.00')
1 Year	262.73	3.27
2 Year	263.05	2.95
10 Year	263.70	2.30
25 Year	264.15	1.85
100 Year	264.98	1.02

VI. Stormwater Quality and Runoff Reduction

The stormwater water quality and runoff reduction for this project has been designed in accordance with the New York State Department of Environmental Conservation Stormwater Management Design Manual (SMDM) of January 2015. The five-step planning process outlined in the SMDM has been incorporated in the design of this project. These five steps include:

1. Site planning to preserve natural features and reduce impervious cover.
2. Calculation of the Water Quality Volume for the site.
3. Runoff Reduction by Incorporation of Green Infrastructure Techniques and Standard SMPs with Runoff Reduction Volume (RRv) capacity.
4. Use of Standard SMPs to treat the portion of Water Quality Volume not addressed by green infrastructure techniques and Standard SMPs with RRv capacity.
5. Design of volume and peak rate control practices.

Step one of the planning process includes the preservation of natural features and reduction of impervious covers. The placement of the proposed expansion building has been considered during the site planning process to the most practicable extent. The existing pavement/lawn area where the proposed expansion building will be constructed provides adequate space for stormwater treatment of the new impervious area. Any other location of the expansion building would require more disturbance than what is proposed and would not be ideal.

Step two of the planning process was then completed and the Water Quality Volume (WQv) was calculated for the project site using the criteria in Chapter 4 of the Stormwater Management Design Manual. The Water Quality Volume calculated for this project is 9,188 cubic feet.

Step three of the process involves Runoff Reduction by incorporating the Green Infrastructure Techniques and Standard SMP's with RRv capacity outlined in the SMDM. The minimum Runoff Reduction Volume was calculated utilizing the Specific Reduction Factor of the existing soil types located on the project site using the criteria in Chapter 4 of the design manual. The minimum RRv calculated for this project is 3,819 cubic feet. (See Appendix 13 for Calculations and Supporting Data)

The Runoff Reduction Technique utilized for the project is an Infiltration Basin, a standard SMP with RRv capacity. The proposed Infiltration Basin has been designed to capture and temporarily store the remaining WQv before allowing it to infiltrate into the soil over a two-day period. It has been determined that the existing onsite soils will be adequate to support an infiltration practice after review of the NRCS County Soil Mapping and verified through onsite infiltration testing (See Appendix 13 for infiltration testing results). Infiltration practices provide a 100% reduction to the Water Quality Volume that is treated by the device. The infiltration basin has a storage capacity measured to the first outlet of 4,855 cubic feet.

Step five of the process involved applying Volume and Peak Rate Control Practices. The downstream channel protection has been provided within the proposed stormwater management pond by 24 hours of extended storage for the one year, 24 hour storm event. The pond has been

designed to store and infiltrate this storm event such that the runoff discharged over a 24 hour period after the design storm event will be zero. The Overbank Flood (10 year storm event) and the Extreme Storm (100 year storm event) have been managed as outlined in the Stormwater Management section of this report.

VII. Erosion and Sediment Control

Full erosion and sediment control measures will be incorporated into the project construction. These practices will be in accordance with the requirements set forth in the most recent revision of the New York State Department of Environmental Conservation publication entitled "New York State Standards and Specifications for Erosion and Sediment Control".

Erosion Control Measures:

The following erosion control measures will be incorporated to minimize erosion potential:

- Filter fabric silt fence:
Silt fence shall be used to control erosion from sheet flow on slopes not to exceed two horizontal to one vertical unless specified otherwise. Concentrated flows shall not be directed toward silt fence and spacing shall vary from 50' to 100' depending on slope steepness.
- Permanent and temporary seeding mixtures:
Permanent and temporary seeding, mulch, fertilizer, soil amendments, and slope stabilization will be used on seeded areas. Land that is stripped of vegetation will be left bare for the shortest time possible. Any area that will remain cleared, but not under construction for 14 days or longer, will be seeded with a temporary mixture. Topsoil shall be stockpiled, stabilized with temporary seeding, and saved for reuse on the site.
- Slope Stabilization:
All slopes shall be stabilized to minimize erosion. Slopes shall be stabilized with temporary seeding mixtures and straw mulch. Slopes in excess of four horizontal to one vertical shall be stabilized with jute netting and hydro-seed. Existing vegetation, which is not to be removed, will also act as filter strips to protect down-slope areas. Runoff will be diverted from newly graded areas to prevent erosion until a permanent ground cover has been established.
- Dust Control:
Measures for dust control during construction shall be implemented as needed (daily water sprays will be used during dry conditions and Calcium Chloride will be used only if necessary). In addition to water sprays, temporary plantings will aid in minimizing dust.

- Temporary Diversion Swales:
Temporary diversion swales shall be constructed to either divert clean stormwater runoff from newly graded areas or direct sediment laden runoff to a sediment trapping device.
- Channel Stabilization:
Drainage channels and temporary diversion swales shall be stabilized with seed, jute netting or riprap, as specified, to minimize deterioration of the channel bed.
- Sediment Traps:
Sediment traps shall be constructed in the location of the proposed pond and/or where specified on the approved plan set, and be of size and type specified to collect sediment from sediment laden stormwater runoff. Sediment traps shall be constructed downstream of disturbed areas and be in place prior to disturbance within the contributory area.
- Stabilized Construction Entrance:
Town and County roads will be protected by installation of crushed stone blanket for cleaning construction vehicle wheels. Blankets shall be placed at any intersection of a construction road with a paved or publicly owned road. Stabilized construction entrances shall be installed in the location and be of size and type specified.
- Tree Protection:
Trees to be preserved within areas of construction shall be protected. In areas of concentrated construction activity temporary fencing will be placed around the driplines. In all other areas, construction workers will be directed to avoid the storing of equipment or soil under trees to be preserved, in order to prevent soil compaction. If necessary, trees will be preserved with tree wells in fill areas, and retaining walls in cut areas.
- Soil Stockpiles:
Soil stockpiles are to be utilized during construction and shall be protected on the downhill side with perimeter silt fencing. Stockpiles are to be seeded and stabilized with vegetation and/or mulch.
- Concrete Washout Areas:
Concrete washout areas are to be utilized for cleaning of concrete trucks. A temporary excavated or above ground lined constructed pit shall be installed so concrete truck mixers and equipment can be washed after their loads have been discharged.
- Spill/Litter Prevention:
All site construction debris is to be disposed of in an on-site dumpster. Construction chemicals are to be utilized in a manner to prevent soil contamination and are not to be left out overnight. Any spill shall be reported to the New York State Spill Hotline (1-800-457-7362). Federal and State law require the spiller, or responsible party, to notify government agencies and to contain, clean up, and dispose of any spilled/contaminated material in order to correct any environmental damage.

Erosion Control Sequence

Prior to any site disturbance, the developer and contractors should thoroughly review and become familiar with the approved site plan. The installation of erosion control measures should begin with the most downstream device, then working upstream. When installing erosion control measures, the sequence should generally be as follows:

- Prior to commencing construction activities, a meeting shall be held with Town representatives, the contractor, and site engineer to resolve any outstanding questions prior to ground disturbance.
- The limits of clearing and grading shall be clearly marked. Perimeter silt fence and stabilized construction entrances shall be put in place.
- Upon completion of clearing and grubbing activities, topsoil shall be stripped from all areas to be disturbed and stockpiled. Stockpiled topsoil shall be stabilized by temporary seeding and surrounded with a perimeter silt fence.
- Temporary erosion control devices shall be installed prior to commencing earth moving activities. This includes the installation of sediment traps, diversion swales, and check dams beginning at the most downstream portions of the site and then working upstream.
- Immediately after completion of rough grading, remaining temporary erosion control shall be installed as specified, including additional silt fence, diversion swales, and check dams. Any areas not requiring further earth work shall be fine graded topsoiled and stabilized as early as possible.

Maintenance of Erosion Control Devices

The maintenance of erosion control devices will be the responsibility of the contractor. A critical part of an effective erosion control plan is a conscientious maintenance program. All erosion control devices will be cleaned and restored throughout construction to maintain their effectiveness. The Job Superintendent will monitor the condition of all devices and clean or replace them as conditions require. All erosion control devices shall be installed and maintained in accordance with the approved plan, manufacturer's recommendations, and as directed by Town representatives including the Town Engineer, Highway Superintendent, and Building Inspector.

Specific maintenance shall include:

- Maintaining seeded areas including reseeding weak areas, regrading wash outs and fertilizing.
- Maintaining mulched areas including replacement of disturbed mulched areas.
- All devices shall be inspected after each rain and repaired as needed.

- Sediment shall be removed from behind silt fence when bulges start to occur and fencing reset to original condition.
- Outlets in sediment basins shall be free of silt and debris by hand raking and cleaning after each rain storm.
- Construction equipment shall not unnecessarily cross drainage swales. Crossing of drainage channels shall be by means of bridges, culverts or other approved methods.
- Culverts shall be maintained free of silt or debris.
- Tree protection fencing to be inspected daily during grading and finish grading operations.
- Daily water sprays will be used as needed or as directed by the Consulting Engineer or Town representatives. Water sprays will be used to prevent pollution from dust until construction is completed and soil cover is established.

Removal of Erosion Control Devices:

No erosion control structures shall be removed until all work upstream has been completed, stabilized, and approved by the Consulting Engineer and Town Representatives.

The removal of erosion control devices should generally be as follows:

- After construction, the temporary erosion control structures are to be removed in reverse order with the most upstream structure removed first and thence proceeding downstream.
- All hay bales shall be removed and properly disposed of off-site.
- All tree protection fencing shall be removed after adjacent areas have been graded, topsoiled, seeded, and vegetation has been established.
- All temporary construction culverts shall be removed and areas graded, topsoiled, and seeded.
- Any washouts shall be re-topsoiled and seeded.

VIII. Stormwater Infrastructure Maintenance:

Long term maintenance of all drainage pipes and treatment devices will be the responsibility of the property owners once construction of these items is completed.

Long term maintenance shall include the following:

Inspection: The pond and infrastructure should be inspected periodically for the first few months after construction and on an annual basis thereafter. The drainage infrastructure should also be inspected after major storm events to ensure that the orifices, if any and inlets remain open. Particular attention should be given to:

- Evidence of clogging
- Erosion of the flow path
- Condition of the embankments
- Condition of any spillways
- Accumulation of sediment at the culvert inlets and outlets, and in the proposed swales
- Erosion of bio-swales or riprap aprons
- Sources of erosion in the contributory drainage, which should be stabilized.

Debris and Litter Control: Removal of debris and litter should be accomplished during mowing operations. Particular attention should be given to removing debris and trash around inlets and outlets to prevent clogging.

Erosion Control: Eroding soils in drainage areas should be stabilized immediately with vegetative practices or other erosion control practices. Potential problems are erosion that may occur on the embankment, slopes, and any spillways. Also, attention should be given to repositioning protective riprap where appropriate.

Sediment Removal: Sediment should be removed periodically in order to preserve the available stormwater treatment capacity of the infiltration pond and, to prevent inlets and outlets from becoming clogged. Also, unless removed, accumulated sediment may become unsightly. While more frequent clean-out may be needed around the inlets and outlets, a typical clean-out cycle for the entire stormwater infrastructure should range from 5 to 6 years or after 25 percent of the water quality volume capacity has been lost. Sediment excavated from the swales is not considered toxic or hazardous material, and can be safely disposed of by either land application or land filling.

NR
29106.01 Star Warehouse SWPPP
02-2016
08-2016 – Rev.1
11-2016 – Rev.2
03-2023 – Rev.3

Appendix C
Maintenance Agreement

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

Star Expansion Company
TO
Star Newco, Inc.

SECTION 33 BLOCK 1 LOT 191

RECORD AND RETURN TO:
(Name and Address)

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE
ATTACH THIS SHEET TO THE FIRST PAGE OF EACH
RECORDED INSTRUMENT ONLY

Howard S. Kossar Esq.
402 East Main Street
P.O. Box 548
Middletown, NY 10940

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED _____ MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER Rel. Wg

PROPERTY LOCATION

- | | |
|--------------------------------|-------------------------------|
| ___ 2089 BLOOMING GROVE (TN) | ___ 4289 MONTGOMERY (TN) |
| ___ 2001 WASHINGTONVILLE (VLG) | ___ 4201 MAYBROOK (VLG) |
| ___ 2289 CHESTER (TN) | ___ 4203 MONTGOMERY (VLG) |
| ___ 2201 CHESTER (VLG) | ___ 4205 WALDEN (VLG) |
| <u>X</u> 2489 CORNWALL (TN) | ___ 4489 MOUNT HOPE (TN) |
| ___ 2401 CORNWALL (VLG) | ___ 4401 OTISVILLE (VLG) |
| ___ 2600 CRAWFORD (TN) | ___ 4600 NEWBURGH (TN) |
| ___ 2800 DEERPARK (TN) | ___ 4800 NEW WINDSOR (TN) |
| ___ 3089 GOSHEN (TN) | ___ 5089 TUXEDO (TN) |
| ___ 3001 GOSHEN (VLG) | ___ 5001 TUXEDO PARK (VLG) |
| ___ 3003 FLORIDA (VLG) | ___ 5200 WALLKILL (TN) |
| ___ 3005 CHESTER (VLG) | ___ 5489 WARWICK (TN) |
| ___ 3200 GREENVILLE (TN) | ___ 5401 FLORIDA (VLG) |
| ___ 3489 HAMPTONBURGH (TN) | ___ 5403 GREENWOOD LAKE (VLG) |
| ___ 3401 MAYBROOK (VLG) | ___ 5405 WARWICK (VLG) |
| ___ 3689 HIGHLANDS (TN) | ___ 5600 WAWAYANDA (TN) |
| ___ 3601 HIGHLAND FALLS (VLG) | ___ 6889 WOODBURY (TN) |
| ___ 3089 MINISINK (TN) | ___ 5801 HARRIMAN (VLG) |
| ___ 3801 UNIONVILLE (VLG) | |
| ___ 4089 MONROE (TN) | |
| ___ 4001 MONROE (VLG) | |
| ___ 4003 HARRIMAN (VLG) | |
| ___ 4005 KIRYAS JOEL (VLG) | |

NO. PAGES 14 CROSS REF _____
CERT. COPY _____ AFFT. FILED _____
PAYMENT TYPE: CHECK X
CASH _____
CHARGE _____
NO FEE _____

CONSIDERATION \$ _____
TAX EXEMPT _____
MORTGAGE AMT \$ _____
DATE _____

MORTGAGE TYPE:
___ (A) COMMERCIAL
___ (B) 1 OR 2 FAMILY
___ (C) UNDER \$10,000.
___ (E) EXEMPT
___ (F) 3 TO 6 UNITS
___ (I) NAT. PERSON/CR. UNION
___ (J) NAT. PER. CR. UN. OR 2
___ (K) CONDO

CITIES
___ 0900 MIDDLETOWN
___ 1100 NEWBURGH
___ 1300 PORT JERVIS

Joan A. Macchi
JOAN A. MACCHI
Orange County Clerk

9999 HOLD RECEIVED FROM: Lawyers Title

4528PG 101

LIBER 4528 PAGE 104
ORANGE COUNTY CLERKS OFFICE 8418 HRL
RECORDED/FILED 02/20/97 10:13:07 AM
FEES 52.00 EDUCATION FUND 5.00
SERIAL NUMBER: 005481
DEED CNTL NO 51765 RE TAX .00

RECIPROCAL EASEMENT, RIGHT-OF-WAY AND MAINTENANCE AGREEMENT

This Reciprocal Easement, Right-of-Way and Maintenance Agreement made this ^{7th} day of ~~February~~ ⁷ 199~~8~~, between STAR EXPANSION COMPANY, a Debtor-in-Possession, a Delaware corporation, with its principal place of business and offices located at Route 32, Mountainville, New York (hereinafter referred to as "Star"), party of the first part, and STAR NEWCO, INC., a Delaware corporation, with its principal place of business and offices located at 1629 Locust Street, Philadelphia, Pennsylvania (hereinafter referred to as "Newco"), party of the second part.

W I T N E S S E I H

WHEREAS, Newco will be, upon the consummation of the transactions contemplated by the Asset Purchase and Liability Assumption Agreement between Newco and Star dated August 14, 1996 (the "Agreement"), the Owner of premises known as Lot B as shown on a Subdivision of Property for Star Expansion Industries dated July 29, 1996 filed in the Orange County Clerk's Office on February 17, 1997 as Map No. 21-97 (hereinafter referred to as "Subdivision Map") and more particularly described in Schedule "A" attached hereto and made a part hereof (hereinafter referred to as "Lot B"); and

WHEREAS, Star is the owner of Premises known as Lot A as shown on a Subdivision of Property for Star Expansion Industries dated July 29, 1996 filed in the Orange County Clerk's Office on February 14, 1997 as Map No. 26-97 and more particularly described in Schedule "B" attached hereto and made a part hereof (hereinafter referred to as "Lot A"); and

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Cornwall, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of N.Y.S. Route 32 where it is intersected by the northerly line of lands now or formerly of Devitt;

RUNNING THENCE along the same North 59 degrees 49 minutes 00 seconds West a distance of 151.86 feet and South 31 degrees 13 minutes 00 seconds West a distance of 65.62 feet to lands now or formerly of the Estate of Markert;

RUNNING THENCE along the same North 60 degrees 14 minutes 20 seconds West a distance of 228.00 feet and South 33 degrees 43 minutes 40 seconds West a distance of 198.00 feet to a point;

RUNNING THENCE through lands now or formerly of Star Expansion Company the following courses and distances:

North 61 degrees 21 minutes 00 seconds West 305.95 feet;

North 44 degrees 20 minutes 00 seconds West 530.00 feet;

North 36 degrees 35 minutes 34 seconds East 216.82 feet;

North 43 degrees 15 minutes 16 seconds West 50.00 feet;

North 46 degrees 44 minutes 44 seconds East 35.04 feet; and

North 43 degrees 15 minutes 16 seconds West 585.00 feet to the easterly side of the New York State Thruway;

RUNNING THENCE along the same North 51 degrees 00 minutes 59 seconds East a distance of 1824.51 feet and North 51 degrees 46 minutes 35 seconds East a distance of 76.29 feet to a point on the westerly side of Ketchum Road;

RUNNING THENCE along the northeasterly line of premises herein described and through Ketchum Road South 35 degrees 05 minutes 25 seconds West a distance of 645.02 feet to a point;

THENCE leaving Ketchum Road and continuing along the
(Continued)

11517 4528 PG 106

Legal Description (continued)

Northeasterly line of premises herein described the following courses and distances;

South 3 degrees 27 minutes 25 seconds East 94.30 feet;

South 57 degrees 30 minutes 35 seconds West 130.50 feet; and

South 58 degrees 29 minutes 25 seconds East 44.50 feet to a point in the bed of Creamery Road;

RUNNING THENCE through Creamery Road south 24 degrees 44 minutes 25 seconds East a distance of 45.60 feet and South 48 degrees 58 minutes 17 seconds East a distance of 671.55 feet to a point;

THENCE leaving Creamery Road and continuing along the northeasterly line of premises herein described South 41 degrees 49 minutes 00 seconds West a distance of 23.00 feet and South 39 degrees 59 minutes 18 seconds East a distance of 158.01 feet to a point;

RUNNING THENCE through lands now or formerly of Star Expansion Company South 33 degrees 34 minutes 00 seconds West a distance of 99.00 feet to a point;

RUNNING THENCE through lands now or formerly of Star Expansion Company and along the westerly line of lands now or formerly of Gayton, South 65 degrees 04 minutes 00 seconds West a distance of 440.00 feet to lands now or formerly of Gorbrecht;

RUNNING THENCE along the same the following course and distances;

North 86 degrees 53 minutes 40 seconds West 304.81 feet;

South 33 degrees 50 minutes 55 seconds West 140.00 feet;

South 13 degrees 20 minutes 55 seconds West 153.00 feet; and

South 80 degrees 09 minutes 05 seconds East 436.22 feet to lands now or formerly of Cupano;

RUNNING THENCE along the same South 26 degrees 15 minutes 30 seconds West a distance of 153.37 feet and South 65 degrees 52 minutes 30 seconds East a distance of 350.03 feet to the westerly side of N.Y.S. Route 32;

RUNNING THENCE along the same south 26 degrees 15 minutes 30 seconds West a distance of 158.11 feet to the point or place of BEGINNING.

111745290 107

SCHEDULE B

~~ALL~~ that certain plot, piece or parcel of land situate, lying and being in the Town of Cornwall, County of Orange and State of New York, bounded and described as follows:

Commencing at a point on the Westerly side of N.Y.S. Route 32 where it is intersected by the Northerly line of lands now or formerly of Devitt;

RUNNING THENCE along the same North 59 degrees 49 minutes 00 seconds West a distance of 151.86 feet and South 31 degrees 13 minutes 00 seconds West a distance of 65.62 feet to lands now or formerly of the Estate of Markert;

RUNNING THENCE along the same North 60 degrees 14 minutes 20 seconds West a distance of 228.00 feet and South 33 degrees 43 minutes 40 seconds West a distance of 198.00 feet to a point;

RUNNING THENCE through lands now or formerly of Star Expansion Company North 61 degrees 21 minutes 00 seconds West distance of 305.95 feet to the point of beginning;

RUNNING THENCE from said point of beginning through land now or formerly of Star Expansion Company the following courses distances;

South 45 degrees 15 minutes 15 seconds West 55.82 feet;

South 62 degrees 43 minutes 48 seconds West 69.20 feet;

South 77 degrees 59 minutes 16 seconds West 57.15 feet;

South 83 degrees 37 minutes 02 seconds West 105.87 feet;

North 89 degrees 23 minutes 44 seconds West 54.26 feet;

North 84 degrees 14 minutes 16 seconds West 66.73 feet;

South 69 degrees 39 minutes 04 seconds West 56.82 feet;

South 53 degrees 34 minutes 03 seconds West 82.86 feet;

South 46 degrees 56 minutes 16 seconds West 95.71 feet;

South 34 degrees 28 minutes 55 seconds West 60.17 feet;

South 40 degrees 13 minutes 04 seconds West 61.22 feet;
North 59 degrees 39 minutes 30 seconds West 292.16 feet.
North 63 degrees 51 minutes 00 seconds West 37.96 feet;
North 38 degrees 41 minutes 35 seconds East 48.48 feet;
North 49 degrees 51 minutes 45 seconds West 324.80 feet;
North 37 degrees 54 minutes 20 seconds West 176.54 feet;
North 51 degrees 34 minutes 00 seconds West 67.63 feet;
North 78 degrees 39 minutes 15 seconds West 77.06 feet;
North 35 degrees 33 minutes 00 seconds East 21.28 feet; and
North 68 degrees 00 minutes 30 seconds West 92.07 feet
to the easterly side of the New York State Thruway;

RUNNING THENCE along the same North 49 degrees 14 minutes 44 seconds East a distance of 1,069.09 feet to a point;

RUNNING THENCE through lands now and formerly of Star Expansion Company the following courses and distances:

South 43 degrees 15 minutes 16 seconds East 565.00 feet;
South 46 degrees 44 minutes 44 seconds west 35.04 feet;
South 43 degrees 15 minutes 16 seconds East 50.00 feet;
South 36 degrees 35 minutes 34 seconds West 216.82 feet; and
South 44 degrees 20 minutes 00 seconds East 530.00 feet to the point or place of BEGINNING.

LIBR 45296 109

WHEREAS, the Town of Cornwall Planning Board has required that certain Reciprocal Easements and Rights-of-Way shall be provided for the benefit of Lots A and B and that provisions for the maintenance for the shared commercial access way, private drainage facilities, or any private water facilities serving Lot A and Lot B, likewise, be provided for the benefit of Lots A and B, respectively, as more particularly provided in Notes Number 5, 6 and 7 of the Subdivision Map; and

WHEREAS, Star and Newco wish to implement the Easements, Rights-of-Way and Maintenance of the shared commercial access way, private drainage facilities, or any private water facilities servicing more than one of the aforesaid Lots as provided in Notes 5, 6 and 7 of the Subdivision Map and as provided herein.

NOW, THEREFORE, in consideration of the premises and upon the terms and conditions hereinafter set forth, it is hereby agreed as follows:

1. Preamble Recitals. It is hereby specifically understood and agreed by the parties hereto that the terms set forth in the Preamble above are incorporated herein by reference and made a part hereof.

2. Representations of Ownership.

- (a) Star represents that it is the owner in fee simple of Lot A.
- (b) Newco represents that, upon the consummation of the transactions contemplated by the Agreement, it will be the owner in fee simple of Lot B.

3. Grant of Easements.

- (a) Star hereby grants to Newco an Easement in favor of Lot B to enter upon Lot A to read the water meter in the building located on Lot A as more particularly set forth in the Subdivision Map.

(b) Newco hereby grants to Star an Easement in favor of Lot A to maintain the storm drain line discharging to the pond, east of the water tower on Lot B as more particularly described in the Subdivision Map.

(c) Newco hereby grants to Star an Easement in favor of Lot A for underground electric, telephone and natural gas lines currently located on Lot B but servicing Lot A and for installation of additional underground electric, telephone and natural gas lines as currently located along said easement, and along the route running between West Road and the existing building on Lot B as shown on Exhibit A hereto.

4. Grant of Rights-of-Way.

(a) Newco hereby grants to Star a Right-of-Way for the benefit of Lot A to enter and exit using the main entrance, now known as Industry Drive, a shared commercial access way (hereinafter referred to as the "Shared Commercial Access Way").

(b) Newco hereby grants to Star a Right-of-Way for the benefit 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 more particularly set forth on the Subdivision Map.

5. Maintenance.

(a) Maintenance shall be defined as those regularly recurring tasks of repair, restoration and care needed to keep the Shared Commercial Access Way, private drainage facilities or any private water facilities servicing Lot A and Lot B subject to the Easements and Rights-of-Way as provided above in paragraphs 3 and 4 usable under normal operating conditions for the benefit of the owner of Lot A or Lot B as provided herein.

LIBER 4528 PG 111

(b) The Shared Commercial Access Way shall be maintained by Newco and/or its successors and assigns in good repair with costs and expense of maintenance to be shared by the parties. Star and/or its successors and assigns shall remit to Newco payment for a percentage of the cost of any and all maintenance of the Shared commercial Access Way equal to its proportionate use of the Shared Commercial Access Way within ten (10) days after receipt of any such bill and/or invoice rendered to it by Newco in connection therewith. Star and Newco agree that such percentage shall be redetermined by them no less frequently than annually and, in any event, shall be redetermined upon the transfer of ownership of Lot A or Lot B or upon a material change in the usage of Lot A or Lot B by the owner thereof.

(c) The parties hereto shall maintain and be responsible for the maintenance of their own water mains and sanitary sewer facilities on their respective Lots A and B and shall, likewise, maintain and be responsible for the maintenance of the private drainage facilities or any private water facilities, fire mains, water meters, and storm drain lines referred to above in paragraph 3 and provided in Footnotes 5 and 6 to the Subdivision Map for the mutual benefit of the other to the extent located on the respective property of Star or Newco; except that any damage due to the negligence of any third party who uses or has used the aforesaid improvements pursuant to the authority of either party hereto, in which case the party granting such authority to use shall be liable for such damages. The cost of such improvements shall be limited to actual and reasonable costs, including any allocated costs of the services of the caretaker and costs related to the ownership or rental of equipment. Newco and/or its successors and assigns or Star and/or its successors or assigns

shall remit to the other property owner responsible for the maintenance of the private drainage facilities or any fire mains, water meters, and storm drains as are located on each respective party's property payment for one-half (1/2) of the cost of any and all maintenance within ten (10) days after receipt of any such bill and/or invoice rendered to it by the other in connection therewith.

6. Personal Injury and Property Damage Liability. The parties hereto hereby indemnify and hold each other and their successors and/or assigns harmless from and against any and all loss, cost, damage and expense, including reasonable attorney's fees, incurred by either party or their successors in connection with any claim by any person arising out of the improvement, ownership, use or maintenance of the Easements and Rights-of-Way and the maintenance thereof as provided herein. Each party or its successor and/or assign shall at all times maintain in force liability insurance with respect to the Easements, Rights-of-Way and Maintenance Obligations provided herein, naming Star or its successor, and Newco or its successor, as the case may be, as additional insureds. Star or successors and Newco or successors shall make arrangements with their insurer to have their insurer deliver to each other copies of Certificates of such insurance on each anniversary date of such policy. Upon the request of either party, the other shall deliver copies of such Certificate to the requesting party. Any liability of the parties for personal injury to any employee or agent employed to make repairs under this Agreement or to a third person as well as any liability of the parties for damage to the property of such worker or agent, or of any third person, as a result or arising out of repairs and maintenance under this Agreement shall be borne equally between the parties.

Liability insurance in the amount of ONE MILLION and 00/100 (\$1,000,000.00) DOLLARS shall be obtained from each other's respective insurance carrier duly licensed to conduct business in the State of New York, each party to keep each other's insurance policies in full force and effect and to pay the premiums due and owing thereon in a timely manner. To the extent it does not invalidate any insurance policies required to be maintained by the parties as provided herein, each party shall obtain a waiver of subrogation from each other's respective insurance carrier in favor of the other.

7. Indemnity. Each of the parties agree to indemnify and hold the other harmless from and against any and all liability for personal injury or property damage when such injury or damage shall result from, arise out of, or be attributable to any maintenance or repair undertaken, under or pursuant to this Agreement.

8. Attorney's Fees. In the event that any action is filed in relation to this Agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all sums that either party may be called on to pay, a reasonable sum for the successful's attorney's fees.

9. Notices. Any notices required under this Agreement shall be sent to the parties hereto at the addresses respectively indicated in this Agreement, unless such addresses change by written notice to each party concerned, in which event, the new address given shall be used for the sending of such notice. Any required notice shall be made by certified mail return receipt requested, properly addressed and postage pre-paid.

10. Modification of Agreement. Any modification of this Agreement or

additional obligation assumed by either party in connection with this Agreement shall be binding only if evidenced in writing signed by each party by an authorized representative of each party.

11. No Waiver. The failure of either party to this Agreement to insist upon the performance of any of the terms and conditions of this Agreement, or the waiver of any breach of any of the terms and conditions of this Agreement shall not be construed as a subsequent waiver of any such terms and conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.

12. Governing Law. It is hereby agreed between the parties hereto that this Agreement shall be governed by, construed, and enforced in accordance with the Laws of the State of New York.

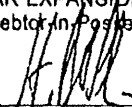
13. Entire Agreement. This Agreement shall constitute the entire agreement between the parties hereto and any prior understanding or representation of any kind preceding the date of this Agreement shall not be binding under either party except to the extent incorporated in this Agreement.

14. Benefit and Binding Effect. The Easements, Rights-of-Way and Maintenance Obligations as provided in this Agreement, and all of the conditions, covenants and obligations relating thereto shall run with the land and bind the parties hereto and their successors and assigns.

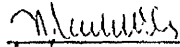
15. Paragraph Headings. The titles to the paragraphs of this Agreement are solely for the convenience of the parties and shall not be used to explain, modify, simplify or aid in the interpretation of the provisions of this Agreement.

IN WITNESS WHEREOF, the party of the first part and the party of the second part have duly executed this Reciprocal Easement, Right-of-Way and Maintenance Agreement the date and year first above written.

STAR EXPANSION COMPANY,
A Debtor in Possession

BY: 
Peter Stern, President

STAR NEWCO, INC.

BY: 
Mark Ellis, President

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On this ^{7th} day of ~~February~~ ^{February}, 1996, before me personally came ^{H.} Peter Stern, to me known, who, being by me duly sworn did depose and say that he resides at ~~Route 32, Mountainville, New York~~; that he is the President of Star Expansion Company, the Corporation described in, and which executed the within instrument; that he knows the seal of said Corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation; and that he signed his name thereto by the order of the Board of ~~Directors of said Corporation~~

MONIQUE WEISS
Notary Public, State of New York
No. 01WE5017072
Qualified in Queens County
Commission Expires Aut. 30, 1997

Monique Weiss
Notary Public

New York
STATE OF PENNSYLVANIA)
New York) ss.:
COUNTY OF PHILADELPHIA)

On this ^{7th} day of ~~February~~ ^{February}, 1996, before me personally came ~~MARK ELLIS~~ to me known, who, being by me duly sworn did depose and say that he resides at ~~Route 32, Mountainville, N.Y.~~; that he is the President of Star Newco, Inc., the Corporation described in, and which executed the within instrument; that he knows the seal of said Corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation; and that he signed his name thereto by the order of the Board of Directors of said Corporation.

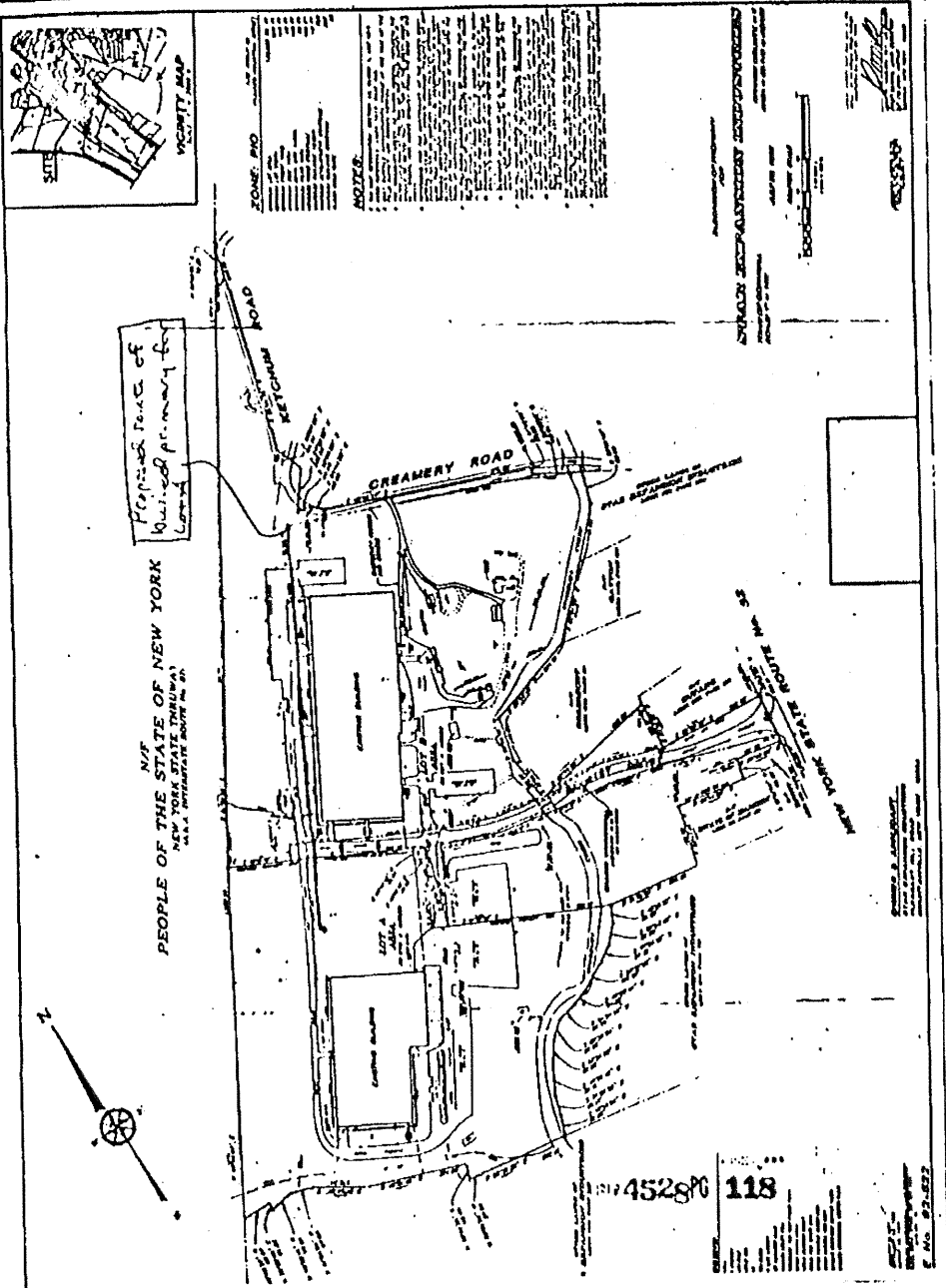
Richard Roel
Notary Public

RICHARD ROEL
NOTARY PUBLIC, State of New York
No. 01RO5025288
Qualified in Queens County
Commission Expires April 18,

RICHARD ROEL
NOTARY PUBLIC, State of New York
No. 01RO5025288
Qualified in Queens County
Commission Expires April 18, 1998

118194529PG 117

EXHIBIT A



Proposed lots of
Ketchum primary for
Landscape

N.Y.S.
PEOPLE OF THE STATE OF NEW YORK
NEW YORK STATE THRUWAY
N.Y.S. INTERSTATE ROUTE No. 28

45280 118

ZONE PD

NOTES

1. All dimensions are in feet and inches.

2. All bearings are true bearings.

3. All distances are in feet and inches.

4. All angles are in degrees, minutes and seconds.

5. All curves are circular.

6. All curves are in the right-hand curve.

7. All curves are in the left-hand curve.

8. All curves are in the right-hand curve.

9. All curves are in the left-hand curve.

10. All curves are in the right-hand curve.

11. All curves are in the left-hand curve.

12. All curves are in the right-hand curve.

13. All curves are in the left-hand curve.

14. All curves are in the right-hand curve.

15. All curves are in the left-hand curve.

16. All curves are in the right-hand curve.

17. All curves are in the left-hand curve.

18. All curves are in the right-hand curve.

19. All curves are in the left-hand curve.

20. All curves are in the right-hand curve.

PROPOSED IMPROVEMENTS

1. All dimensions are in feet and inches.

2. All bearings are true bearings.

3. All distances are in feet and inches.

4. All angles are in degrees, minutes and seconds.

5. All curves are circular.

6. All curves are in the right-hand curve.

7. All curves are in the left-hand curve.

8. All curves are in the right-hand curve.

9. All curves are in the left-hand curve.

10. All curves are in the right-hand curve.

11. All curves are in the left-hand curve.

12. All curves are in the right-hand curve.

13. All curves are in the left-hand curve.

14. All curves are in the right-hand curve.

15. All curves are in the left-hand curve.

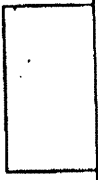
16. All curves are in the right-hand curve.

17. All curves are in the left-hand curve.

18. All curves are in the right-hand curve.

19. All curves are in the left-hand curve.

20. All curves are in the right-hand curve.



SCALE

1" = 100'

DATE

11/15/11

BY

[Signature]

C. NO.

87-877