



August 24, 2022

Town of Fishkill Planning Department
Attn: Debbie Colonna, Planning Board Secretary
807 Route 52,
Fishkill, New York 12524

RECEIVED
AUG 24 2022
Planning Department
Town of Fishkill

SENT VIA HAND DELIVERY – 7 pages + attachments

**Re: Johnson Trails Subdivision and Lot line Realignment
Mountain View Road
Tax Grid I.D. #133089-6356-01-157688/131668 (8.72 ac)
Route 82, Town of Fishkill**

Dear Chairman and Board members:

Please find enclosed within this submission the following:

- Five (5) copies of plan set (sheets S1 through S5) entitled “Johnson Trails Subdivision” dated last revised August 24, 2022
- Five (5) copies of Traffic Summary entitled “Traffic Summary for Johnson Trails Subdivision” dated last revised August 24, 2022
- Five (5) copies of SWPPP dated last revised August 24, 2022

The project is before the Town of Fishkill Planning Board for an adjourned Public Hearing on September 8, 2022.

This office is in receipt of a comment letter from CPL dated July 12, 2022. Based upon the same, certain modifications have been made to the plan and I offer the following formal responses -

GENERAL

1. A maintenance agreement for the proposed stormwater management system will be required. Our office defers to the Town Attorney for the decision as to who is responsible for maintenance of the infiltration trench located in the Penny Place turnaround easement.
Response: Agreed. As the infiltration trench shall be within the proposed Town ROW and is proposed to provide an area to allow snow from Penny Place to be stored, it is presumed that the Town would take the maintenance of this facility.
2. The Fire Department should also review the proposed hammerhead turnaround to ensure that their equipment/vehicles can utilize it appropriately in emergency situations. Please provide approval once received.
Response: This office has forwarded the plans to the Rombout Fire District. We would hope to have a formal response from them by the September 8 meeting date.

3. Proposed written legal descriptions for the road dedication, Penny Place turnaround and snow easement must be provided for review by the Town Attorney and Engineer.

Response: Agreed. Upon the receipt of preliminary approval, the plat will be forwarded to the surveyor of record to prepare the requisite descriptions for right of way dedications and easements. This sill be forwarded to the project sponsors attorney for preparation of the legal documents and forwarded to the Town Planning Board attorney for review and ultimate approval

PLANS:

4. Adjust the limits of disturbance to accurately capture the proposed work. The proposed stormwater piping and grading for the infiltration basin on Lot 1 falls outside to the proposed limits of disturbance.

Response: The proposed limits of disturbance has been modified to reflect the actual limits. The anticipated disturbance is 5.72ac. This is provided on the plan and within the SWPPP.

5. The following comments are with respect to the proposed road and were not addressed in the response memo dated June 29, 2022:

- a. It remains unclear what the proposed inverts of the proposed drainage piping are. Please provide all catch basin rim elevations on the provided storm water collection plan at an appropriate scale.

Response: A stormwater collection plan has been provided.

6. Provide a construction detail for the proposed infiltration trench along the Penny Place hammerhead.

Response: The requested detail has been provided.

7. Provide construction details for the proposed drainage manhole and drainage pipe on Lot #1.

Response: The two (2) requested details have been provided on the plan set.

8. Please show proposed wells in addition to the 100' radii lines.

Response: The layer for the proposed wells has been turned on.

SWPPP COMMENTS:

9. Provide the Notice of Intent (NOI) with the signature of SWPPP Preparer. Please complete the remaining questions in Post-Construction Criteria section of the NOI. The response to question 28 should be in ac-ft. Provide the authorized owners signature page.

Response: This office has attached a copy of the Draft NOI in the SWPPP. The NYSDEC no longer accepts paper copies and requires electronic filing of the NOI.

10. Provide the contractor and subcontractors certifications statement(s). The applicant's response states that this will be provided when they become available. Certifications can be added and are typically added to the SWPPP (unsigned) and issued to the contractor for signature once the project is awarded. A complete SWPPP should include those unsigned certifications.

Response: The unsigned certification has been provided.

11. Provide the existing and proposed drainage area maps. These are missing from the SWPPP. Please provide the drainage maps for review. The maps should include at a minimum, catchments areas,

points of analysis and flow paths. **Response: Existing and proposed drainage maps have been provided with requested information.**

12. It is unclear how runoff from the lots and roadway is reaching the pond. Add inverts, top of grate elevations, pipe callouts, flow arrows, etc. to show how the areas used in the storm water model are reaching the pond. Drawing S-3 (Stormwater Collection Plan) and drawing S-6 does not show the requested information. Please provide the information requested.

Response: A stormwater collection plan has been provided.

13. Provide the calculation and proposed practice used for the pretreatment requirement for the infiltration basin. The applicant refers to plan sheet SH6 for the pretreatment calculation. If the storm water chambers are to be used for pretreatment the calculation should show the required volume to be treated and information on how this system meets the NYS DEC standard. That information is missing.

Response: The pre-treatment calculation has been provided in the report and plan.

14. Provide the calculation showing how the Wq_v and R_{rv} is treated / infiltrated. The calculations shown in the SWPPP are unclear of how the total volume is being treated. The SWPPP indicates 1,424 cuft for WQ_v and 2,309 cuft minimum R_{rv} required. How are these volumes treated? The stormwater chambers shown on SH6 indicate a treatment storage volume of approximately 296 cuft. How is the remaining volume be treated? Please provide complete calculations that show the required volumes and the practices being proposed to treat that volume. It is unclear where the 1.6 acres use in the WQ_v calculation comes from. The water quality volume calculation should use the total area 5.65 acres. It highly recommended to use the NYS DEC Stormwater Green Infrastructure Worksheets in spreadsheet format (in Excel format) to assist in provided the required information.

Response: The pre. Vs. post development drainage maps have been provided so there in so far, the treatment areas should be clearer.

15. Provide the infiltration test results for the infiltration basin. Please provide when they are available.

Response: Soil testing was performed on site in the form of deep test pits and percolation testing. The soil is of a sand and gravel nature. Sizing was based upon a rate of 0-5 minutes drop. If formal infiltration testing is required, please advise and this office will arrange. Also please advise if personnel from your office need to be present.

16. Provide documentation that the bottom of the infiltration basin meets the requirements for the separation distance from the seasonally high-water table or bedrock layer. Provide this information when it is available.

Response: Deep soil testing was performed throughout the site with excavations at a 7'-0" and 8'-0" depth with no occurrence of ground water. These tests were performed in October 2021. Please advise as to if you will require additional field testing.

17. Include the pond routing calculation for the CPV, 10, and 100-year storm events in the drainage analysis. Provide the hydrograph routing and storage calculations for the proposed infiltration basin mentioned in section A4 of the SWPPP. The total area used to determine the existing condition runoff rate is 7.320 acre. There are several post development sub-catchments that collectively add up to a drainage area of 2.41 acres. Pre and post drainage areas used for hydraulic analysis should match in size. Please revise the calculations and include the sub area drainage maps and analysis points.

Response: Additional information has been provided in the updated SWPPP.

18. Provide the location of the wells on the plan and location meets the NYS DEC separation requirements from infiltration basins. Please clarify if the symbol used on the plan for the well is labeled CW. The legend shows a circle with a W for the proposed well.

Response: The layer for the proposed well locations has been turning on. The separation distance issue comes into play for Lot #1 (Infiltration Basin), all lots for infiltrator galleys and Lot #5 (Infiltration Basin). Proper distances have been detailed.

19. The plan appears to show an infiltration basin. Provide the details and complete sizing information for this basin.

Response: Additional information re: the infiltration basin has been provided.

20. Provide the location on the plans where the infiltration chambers shown on plan sheet SH6 are being used on the plans.

Response: The infiltrator locations have been placed on the plan.

A Public Hearing was held for the above referenced project on July 14, 2022 and August 11, 2022. We offer the following formal responses to the public's comments:

July 14, 2022 Meeting

A. Timothy Pagano (emailed comment) – Well concerns, proposed access road concerns.

Response:

B. Dan McNally – 37 Mountainview Road – Construction duration and actual completion concerns (performance bond?). Traffic and well concerns. Land clearing and buffer zone concerns.

Response: A traffic summary report has been provided. NYSDOT is not permitting an access point of State Route 82. See response #4 from the August 11, 2022 meeting concerning well issue.

C. Luigi Manente – 22 Penny Place – (Old Johnson house, house on corner) – Traffic concerns.

Response: A traffic summary report has been provided. No traffic is proposed to be routed through Penny Place.

D. Dominic Sceccitano – Traffic and well concerns.

Response: A traffic summary report has been provided. NYSDOT is not permitting an access point of State Route 82. See response #4 from the August 11, 2022 meeting concerning well issue.

E. Constance Winant – 57 Cherry Lane – Traffic concerns.

Response: A traffic summary report has been provided. No traffic is proposed to be routed through Cherry Lane.

F. John Morgan – 49 Mountainview Road – Well concerns.

Response: See response #4 from the August 11, 2022, meeting concerning well issue.

G. Alan - 44 Mountainview Road – Traffic concerns.

Response: A traffic summary report has been provided.

Additional letters have been forwarded by the Planning Board Secretary that include the issues that have been responded to above.

August 11, 2022 Meeting

1. Daniel McNally – 37 Mountain View Road – Access to subdivision concerns, wants access to be from Route 82, not Mountain View Road. Wider access, better for emergency vehicles.
Response: A traffic summary report has been provided. NYSDOT is not permitting an access point of State Route 82.
2. Ralph Pineda – 53 Cherry Lane – Traffic concerns coming out of Mountain View Road.
Response: A traffic summary report has been provided. Information related to the intersection of Mountain View Road and State Route 82 has been provided. No traffic is proposed to be routed through Cherry Lane.
3. Frank Graff – 31 Cherry Lane – Traffic concerns coming out of Mountain View Road.
Response: A traffic summary report has been provided. Information related to the intersection of Mountain View Road and State Route 82 has been provided. No traffic is proposed to be routed through Cherry Lane.
4. Diana - 37 Mountain View Road – Well concerns, shallow wells, backup plan if existing houses lose water. Traffic concerns coming out of Mountain View Road.
Response: This office has had a direct conversation with Mr. Jim Upright, PE from the Dutchess County Department of Behavioral and Community Health. He is the engineer assigned to the Town of Fishkill and will be approving the water supply and sewage disposal systems. He was not aware of any water related issues in the immediate are of the subdivision and indicated there is an ample supply of water to serve the subdivision without affecting neighboring supplies.

As an integral part of water supply approval, two (2) test wells will be required to be installed and tested for quality and quantity. Pump tests will be performed on these wells.

It is understood that, due to the age of the surrounding community, most wells are shallow (50'-100'). The wells drilled for the project will be deep driven bedrock wells. It is anticipated that these wells will be in excess of 200'. These wells will be pulling water out of a bedrock layer below the above sand and gravel layer (different aquifer). In addition, the size of the proposed parcels (min. 40,000 sf) for the project are larger than what currently exists (generally ½ ac.). If there was an impact on adjoining neighbors wells it would be more likely from each other than the new subdivision.

In addition, people have the right to the water which exists directly below their property.

5. Debbie Basher - 105 Mountain View Road – Construction vehicle damage if Cherry, Penny and Mountain View are repaved.
Response: The heavy machinery access to the project would be through Mountain View Road. Barring an access from State Route 82 (NYSDOT denied), this he shortest path to get to the project (i.e. Penny Place). Note – Access from Cherry Lane is not anticipated.
6. Richard Peck - 120 Mountain View Road – Traffic flow concerns.
Response: A traffic summary report has been provided that provides information related to traffic flow. The proposed Mountain View access point provides the least traffic on the internal road network.

7. Dominic Checchitano – Mountain View Road – Traffic concerns coming out of Mountain View Road. Wants access to be off Route 82.
Response: A traffic summary report has been provided. Information related to the intersection of Mountain View Road and State Route 82 has been provided.
8. Brian Smith - 57 Cherry Lane - Traffic concerns coming out of Mountain View Road. Wants access to be off Route 82.
Response: A traffic summary report has been provided. Information related to the intersection of Mountain View Road and State Route 82 has been provided. No traffic is proposed to be routed through Cherry Lane.
9. (Name?) 70 Mountain View Road – Concerns with extra traffic in the neighborhood. Well concerns.
Response: A traffic summary report has been provided. Information related to the intersection of Mountain View Road and State Route 82 has been provided. See response #4 above re: wells.
10. John Peck - 120 Mountain View Road – Traffic increase concerns.
Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided.
11. Janine Krauss - 109 Mountain View Road – Traffic increase – massive delivery vehicle increase.
Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided.
12. Constance Winant – 61 Cherry Lane - Traffic increase.
Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided. No traffic is proposed to be routed through Cherry Lane.
13. Henry Gonzalez - 7 Aclin Place – Traffic increase.
Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided.
14. Tim Pagano – 36 Mountain View Road – Well concerns. Proposed road close to existing well, salting to contaminate well.
Response: The proposed road specification calls for asphaltic curbing. This will provide assurance that sand and salt from snow plowing operations make it to the proposed drainage system. The inlet for the basins set at the low point is approximately 300' away. There is more of a change of salt contamination from Mountain View Road.
15. Meghan Bliss – 51 Ward Place – Traffic concerns.
Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided.
16. Dawn Peck – 120 Mountain View Road – Traffic concerns causing safety hazards.
Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided.
17. Pedro Ramos – 54 Cherry Lane – Traffic increase concerns.
Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided. No traffic is proposed to be routed through Cherry Lane.

18. John Hupe – 109 Mountain View Road – Traffic concerns – traffic from new houses will pass 8 or 9 houses, not 3.

Response: Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided.

19. Kenya Gadsden – Flood zone/following rules for aquifer protection? Traffic safety concerns.

Response: The parcel does not lye within a Floodplain. Response: A traffic summary report has been provided. Details specific to the increased traffic has been provided.

Additional letters have been forwarded by the Planning Board Secretary that include the issues that have been responded to above.

We would respectfully request that a review commence at your earliest convenience. If you have any additional questions or concerns, please do not hesitate to call. Thank You.

Very truly yours,

A handwritten signature in black ink, appearing to read 'MEG', with a long horizontal flourish extending to the right.

Michael E. Gillespie, P.E.

M. Gillespie & Associates, Consulting Engineering, PLLC

cc: file

cg:MEG