

# STERLING

Sterling Environmental Engineering, P.C.

November 8, 2017

Mr. Paul Colucci  
Chairman  
Town of Gardiner Planning Board  
P.O. Box 1  
2340 Rte 44/55  
Gardiner, NY 12525

Subject: Heartwood Lodge, Gardiner, NY  
STERLING File #2017-29

Dear Mr. Colucci,

Sterling Environmental Engineering, P.C. (STERLING) provided comments on the above application by letters dated September 14, 2017 and October 17, 2017. In response, the applicant has submitted supplemental application documents. Comments from the public have also been received and reviewed.

At your request, STERLING has reviewed the following:

- Medenbach & Eggers Response Letter dated October 1, 2017 to Sterling Environmental Engineering, P.C. Memo dated September 14, 2017, including Full EAF and Addendum.
- Email correspondences dated September 19, 2017 regarding DEC Part 666.
- DEC Part 666 Document.
- Hudsonia Preliminary Biodiversity Assessment of the Proposed Heartwood Development Site, dated October 8, 2017
- Greenplan Inc. Comments on SEQR Review Process Letter dated October 15, 2017
- November 1, 2017 Planning Board Submission including:
  - Heartwood Response to Public Comments Letter dated November 1, 2017
    - Appendix A – Site Photographs of Eco-Cabin Location Site Conditions dated November 1, 2017
  - Stormwater Pollution Prevention Plan prepared by Medenbach and Eggers dated October 27, 2017
  - Updated Engineering Plans
  - Updated Site Plan
  - Additional Materials Requested by Sterling Environmental:
    - EAF Revised Part 1 Submission dated November 1, 2017
    - Letter from Ecological Solutions, LLC dated October 27, 2017
    - Threatened and Endangered Species Habitat Suitability Assessment and Wetland Report Revised October 2017
    - NYSDOT Email Correspondence
    - BOH Email Correspondence
    - Commercial Access Highway Work Permit Application

*“Serving our clients and the environment since 1993”*

We also note that the New York State Department of Environmental Conservation has issued a Notice of Incomplete Application (NOIA) dated October 6, 2017 for portions of the project which require a permit pursuant to 6 NYCRR 666.

We provide the following summary of comment concerning our review of the supplemental application submittals:

**1. Environmental Assessment Form (EAF)**

The revised EAF appears complete and the identified omissions and discrepancies summarized by prior comment letter appear resolved. The supplemental information confirming consultations with New York State Department of Transportation (NYSDOT) and Ulster County Department of Health (UCDOH) have been provided.

**2. Aquifer Testing**

Requested documentation regarding the UCDOH consultation has been provided and is adequate. Additionally, the applicant must conduct further evaluations deemed necessary by the UCDOH to ultimately obtain a water supply permit for the project.

**3. Rare, Threatened and Endangered Species (RTES)**

Supplemental information provided by Ecological Solutions LLC adequately addresses our prior comments regarding RTES.

**4. State Historic Preservation Office (SHPO)**

Supplemental information provided adequately addresses our prior comments. We note that the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharge from Construction Activity and any necessary United States Army Corps of Engineers (USACOE) permits will require a demonstration that historic resources will not be negatively impacted.

**5. Legacy Soil Contamination**

We feel additional characterization of surficial soils may be appropriate due to the contemplated use of the property. The UCDOH should be consulted on this issue. We recognize the population will be transient and there is a reduced likelihood of vegetable gardens, etc. with potential for human exposure. However, the Planning Board may want the UCDOH recommendations regarding proper characterization of surficial soils.

**6. Stormwater**

A comprehensive Storm Water Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) have been prepared. On preliminary review these appear complete and responsive to NYSDEC program and permit requirements.

We note that the Town of Gardiner is not an MS4 community. Therefore, the NYSDEC is primarily responsible for review and approval of the SWPPP. The Town could conduct a detailed review but such would substantially duplicate the NYSDEC's role and the Town has no direct enforcement powers concerning stormwater discharges.

#### **7. Wild Scenic and Recreational Rivers**

Elements of the project require a permit pursuant to 6 NYCRR 666. The NYSDEC issued a NOIA citing a number of concerns with the layout of project components near the Shawangunk Kill. It appears the applicant has made certain adjustments to the project in consideration of the NYSDEC's expressed concerns.

We recommend the applicant provide an explanation to the Planning Board of the modifications to the project made in response to the NYSDEC NOIA. Such can be discussed at the November 15, 2017 Planning Board Workshop.

Moving forward, the Town should receive copies of all communication between the NYSDEC and applicant regarding the Part 666 Permit.

#### **8. Water and Sewer**

More detail has been furnished regarding proposed sewer and water facilities. We have not independently evaluated the designs. These elements of the project are the subject of review, approvals and permits by the UCDOH and/or NYSDEC. The Town should require the applicant to provide copies of all communications with involved agencies and any Site Plan approval by the Town should be conditioned on receiving all requisite permits and approvals for sewer and water.

#### **9. Public Comment**

Submissions on behalf of Friends of Gardiner and comments received at the August 15, September 19 and October 17, 2017 public hearing have been reviewed. The comments received largely relate to the accuracy and completeness of the record as well as the characterization of impacts for the purpose of completing Part 2 of the EAF. Accordingly, we are prepared to discuss the public comments at the workshop meeting as the Planning Board considers Part 2 of the EAF.

We are available to address any additional questions of the Planning Board at the November 15, 2017 Workshop Meeting.

Very truly yours,  
STERLING ENVIRONMENTAL ENGINEERING, P.C.



Mark P. Millspaugh, P.E.  
President

[Mark.Millspaugh@sterlingenvironmental.com](mailto:Mark.Millspaugh@sterlingenvironmental.com)

MPM/bc  
Email/First Class Mail

cc: David Brennan, Young Sommer

\\server02\shared\Sterling\Projects\2017 Projects\Heartwood - Town of Gardiner - 2017-29\Correspondence\2017\2017-11-08\_Heartwood Comments Ltr.docx