



Stantec Consulting Services Inc.
3 Columbia Circle Suite 6, Albany NY 12203-5158

February 17, 2023
File: 195115175

Attention: Anna Feltham, Director of Planning and Zoning
Town of East Greenbush
225 Columbia Turnpike
Rensselaer, NY 12144

**Reference: Island Park LLC at 180-200 American Oil Road
Land Development Project Application Review**

Dear Ms. Feltham,

The Applicant for the above referenced project has submitted the following materials as part of the Application:

- Site Plan for LLIM, LLC, a five-page plan set dated February 2023, prepared by Hart Engineering

At the Town's request, Stantec has conducted a technical review of the above referenced document. The submission was reviewed for high level conformance to the applicable Town of East Greenbush General Code and accepted engineering standard practices. Detailed review of design components will be advanced with progressing submissions. Comments from the prior review letter that were not addressed or require additional clarification maintain the same numbers as previous review letters. **Bold** comments are supplemental comments based on the subsequent submission mentioned above. Stantec Consulting offers the following technical comments:

General Comments

1. The submitted application is for continued operation of asphalt recycling at 180-200 American Oil Road. The proposed project was recently classified as Industry; extractive operations or soil mining as reference in Section II-4 Use Schedule of the Town Comprehensive Zoning Law by the Town Building Inspector. This site was developed and recycling asphalt without proper approvals from the Town and applicable regulatory agencies. It is our understanding that the applicant is in communication with NYSDEC to retroactively obtain any necessary permits for continued operation of the site **and that a letter describing the agreement is pending. It is our understanding from discussions with the applicant's engineer and a review of email correspondence that NYSDEC will permit the existing operation under the condition that certain measures are taken to protect adjacent wetlands with visual barriers and to provide some level of stormwater treatment. Coordinated reviews with NYSDEC, SHPO, and the Town will be necessary for final permit approvals. Approvals will need to consider the NYSDEC's requirements.**



February 17, 2023
Anna Feltham, Director of Planning and Zoning
Page 2 of 5

Reference: Island Park LLC at 180-200 American Oil Road

State Environmental Quality Review

2. **SEQR Classification:** Based on a review of the project documents and Environmental Assessment Form, the project appears to be classified as a "Type I" action. Per SEQR, if a project involves the physical alteration of 10 acres, then it exceeds the SEQR Type I threshold. When a project is located within an agricultural district, then this threshold is reduced to 25% of the threshold (2.5 acres), which is less than the currently disturbed area of 4.38 acres. **However, it is our understanding that the NYSDEC will not consider the existing operational area as a disturbance. The project documents should be revised by the Applicant to indicate the limits of new disturbance related to the new storm management features and any other pending NYSDEC requirements that would cause a new disturbance. The new disturbance should be quantified and reviewed against the above thresholds. If the new disturbances fall below these thresholds then the application could be considered an Unlisted Action.**

3. **SEQR Lead Agency:** The Applicant is pursuing site plan approval, Special use Permit and Minor Subdivision from the Town of East Greenbush Planning Board. If the Planning Board requests Lead Agency the following agencies would need to be included as involved agencies under a coordinated review:
 - a. NYS Department of Environmental Conservation (SWPPP, Potential Protection of Waters Permit, Freshwater Wetland Permit, Part 360 Permit, Air Facility Permit)In addition, the NYS State Historical Preservation Office (SHPO) should be notified as a potential interested agency.

4. **EAF: A Full Part 1 of the Long Environmental Assessment Form was previously submitted. It is recommended that the EAF be revised to include the information below:**
 - a. **B. add Special Use Permit and Minor Subdivision to required approvals**
 - b. **D.1.b. revise total area of project to include the total lot area included in the subdivision; add proposed disturbance (quantify separate from existing disturbance)**
 - c. **D.1.c. change to no**
 - d. **D.1.d. The subdivision will create 3 lots from 2 existing lots. The largest lot appears to be the revised Lot 4.12. Update if appropriate.**
 - e. **D.1.h. Revise to no – infiltration basin is not included as a permanent impoundment.**
 - f. **D.2.i. Add dust**
 - g. **D.2.n. change to yes**
 - h. **E.1.b. Update to include entire area of project (subdivision)**



Reference: Island Park LLC at 180-200 American Oil Road

5. Additional required information: **Depending on the NYSDEC's decision on the project and the fact that this is an existing facility in an industrial area of the Town, the Planning Board should consider whether the** applicant should provide further detail on the following components including but not limited to:
- Proposed Site Plan
 - Full SWPPP
 - Wetlands and regulated adjacent areas
 - SHPO Review – provide a “No Effect” letter from SHPO.
 - Traffic Impacts
 - Hazardous materials – potential impacts to soil and surface/ground waters related to solid or liquid materials storage and use on the site.
 - Noise impacts
 - Nuisance dust
 - Hours of operation
 - Lighting
 - Coastal consistency review
 - Subject to anything applicable not otherwise described here as represented in CZL Table 4.3.A Preliminary Site Plan Checklist

Site Plan

6. Wetlands: Wetlands on and adjacent to the subject parcel shall be delineated by the applicant and verified by the applicable regulating agency. Currently as shown, asphalt is stockpiled within the 100' adjacent area of NYSDEC wetlands and will potentially require a freshwater wetland permit from NYSDEC.
Wetlands have been shown on the plans. Add reference to the wetland delineation as shown on the Subdivision Plat. Date NYSDEC verified the wetland limits should be added to Sht. C-100.
7. Subdivision: This application includes a three-lot minor subdivision (3 lots resulting from 2 existing lots). Provide a subdivision plan delineating all metes and bounds of proposed parcel certified by a licensed land surveyor.
A Subdivision Plat has been submitted. See comments below.
8. SWPPP: Existing limits of disturbance is currently at 4.38 acres. A SWPPP shall be prepared including post construction stormwater practices to ensure water quality and quantity volumes are met. In addition, erosion and sediment controls shall be added to the plans for new disturbances.
Considering the pending NYSDEC decision, the proposed disturbance may be below 1 acre and not require a SWPPP. If a SWPPP is not required as a result, an Engineer's Report should be provided for the design of the proposed stormwater management features.



February 17, 2023
Anna Feltham, Director of Planning and Zoning
Page 4 of 5

Reference: Island Park LLC at 180-200 American Oil Road

9. Site Plan: Applicant shall provide a proposed site plan if modifications to the existing layout and configuration are being proposed or deemed necessary through the application or permitting process. **C-100 and C-101 Site Plans have been provided. See additional comments below.**

New Additional Plan Comments:

10. Cover (C000)

- a. **Revise total acreage to include both impacted parcels.**

11. Existing Conditions Plan (X100)

- a. **Change the existing Limits of Disturbance callout to "Existing Limits of Facility". The limit of disturbance should be identified for new disturbance areas with associated total area of new disturbance.**
- b. **Add a map reference for the wetland delineation.**
- c. **Existing conditions plan should display the current lot lines of the area, not proposed lot lines.**

12. Subdivision Plat

- a. **Tax map information shows 16.27 acres for existing parcel 165-1-4.12. Verify discrepancy between the tax parcel lot area and the 14.52 acres shown on the plat.**
- b. **Revise Site Location Map to show third parcel (remaining lot 4.12).**
- c. **Add another inset map showing existing lots involved in the subdivision. It is difficult to distinguish proposed lot lines.**
- d. **Label the proposed lot line at the south side of the proposed Lot #1.**
- e. **Add any ingress/egress easements to this map as required to utilize access drives and/or to maintain wetland barriers as proposed with the application.**
- f. **Consider alternative layouts of the lots to provide road frontage to Lot 3, which is currently landlocked and to minimize the need for easements between adjoining lots.**

13. Site Plan (C100)

- a. **Show stabilized perimeter berms indicated on C-101.**
- b. **The proposed physical barrier along the wetlands buffer extends onto Lot #2. An easement should be indicated for the installation of these barriers and for access to maintain them. Revision to the proposed property line between Lot #1 and Lot #2 to capture these barriers on Lot #1 should be considered.**
- c. **Update proposed limits of disturbance based on the incorporation of BE stormwater practices on C101.**
- d. **Revise callout "Assumed Wetlands" to USACOE Wetland per C101.**



February 17, 2023
Anna Feltham, Director of Planning and Zoning
Page 5 of 5

Reference: Island Park LLC at 180-200 American Oil Road

14. Site Plan – MSGP (C101)

- a. **Applicant should show proposed grading for all site improvements on sheets C100 and C101. Drainage arrows appear to conflict with existing grades on C101.**
- b. **Can the access drive be graded toward the proposed storm feature on the north side of the gravel access road on C101? If not, can sediment controls be provided on the south side of the access road? Current design allows stormwater to sheet across the Lot #1 parcel and enter the NYSDEC Wetland.**
- c. **Provide details for the proposed storm features including infiltration basin, stormwater discharge points, stabilized perimeter berm, etc.**

These comments constitute Stantec's review of the Sketch Plan submission. Detailed review of technical comments will be advanced with the Preliminary Design Submission. If the Applicant or Town have any comments or questions, please call at your convenience.

Regards,

STANTEC CONSULTING SERVICES INC.

A handwritten signature in black ink, appearing to read "Garrett Frueh".

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