



**Albany Office**

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September 29, 2023

Chairperson  
Town of Glen Planning Board  
7 Erie Street  
Fultonville, NY 12072

**Re: Town of Glen  
Carver Special Use Permit-Riverside Drive Bulk Storage Pad  
Our Project No. GNY02WD-19503-14**

Dear Chairperson:

We are in receipt of the Response Letter dated 9/20/2023 to NYSDEC, revised Site Plan Details dated 9/18/2023, NYS DEC Floodplain Review Memo dated 5/23/2023, Floodplain Development Application dated 6/12/2023, NYS Office of Parks, Recreation and Historic Preservation Letter of No Effect dated 7/12/2023, NYS Region 4 Letter of Acknowledgment of Notice of Intent dated 7/21/2023, and Phase I Cultural Resources Survey prepared by Columbia Heritage, LTD dated June 2023. The project involves the proposed construction of a 10 +/- acre bulk storage pad within the 11.23 acre project site located at 189 Riverside Drive in the Town of Glen (parcel 36.-3-9).

Based on a review of the above documents, we have the following comments (items with a strike-through have been previously addressed):

General

- ~~1. Section 6.02 of the 2006 Town of Glen Land Use Management Ordinance states: "All development projects in all districts other than agricultural in the Rural Residential District require site plan review. In addition, all special permits require site plan review by the planning board."~~ **No further comments.**
- ~~2. Section 4.01 Rural Residential does not allow for a "bulk storage pad" as a permitted use in this zone. The closest activity allowed by special use permit appears to be "Topsoil Operation."~~ **No further comments.**
- ~~3. Therefore, this project falls under two categories in the Town Code that require Planning Board review.~~ **No further comments.**

SEAF

- ~~• Prior comments #1-4 have been addressed by submission of a FEAF. Comment #5 still requires a copy of the Phase 1A/B Report that was provided to SHPO/OPRHP to be submitted to the Town.~~

FEAF

- ~~1. In question C.2.a. the Applicant has indicated that the project is not within an adopted comprehensive land use plan. The Town of Glen has an adopted Comprehensive Land Use Plan which includes the proposed project site, however it does not provide specific recommendations for the proposed project site. We ask the Applicant to revise their answer to question C.2.a to "yes" and follow up question to "no." The Applicant has revised their answer to indicate that the project site is within an adopted Comprehensive Land Use Plan but that there are no specific recommendations for the proposed site. No further comments.~~

2. The Applicant has indicated in question C.2.b. that the site is not within any local or regional special planning districts, however the project site is within the NYS Heritage Area, Mohawk Valley Heritage Corridor. We ask that the Applicant revise their answer. ***The Applicant has revised their answer to state that the project is within the NYS Heritage Area, Mohawk Valley Heritage Corridor. No further comments.***
3. The Applicant should revise their answer to question C.3.a. from Rural Zone to Rural Residential as this is the correct zone from the Town's Zoning Law. ***The Applicant has revised their answer indicating the project is within zone Rural Residential. No further comments.***
4. In their answer to question C.3.d. the Applicant has indicated that no parks serve the site. Within 10 miles of the project site there is the Canalway Trail Fultonville, Tribes Hill Community Park, Schoharie Crossing, and The Canalway Trail Randall. We ask the Applicant to revise their answer to question C.3.d. to include these parks. ***The Applicant has revised their answer to indicate that the project site serves multiple parks including the Canalway Trail Fultonville, Tribes Hill Community Park, Schoharie Crossing, and The Canalway Trail Randall. No further comments.***
5. The Applicant indicated in their answer to question D.2.m that the proposed action would not produce noise to exceed existing ambient noise levels during construction, operation, or both, however during construction there will be dredging and construction activities that are not currently operating at that site. We ask the Applicant to revise their answer to the question and provide answers to the following questions D.2.m.i and D.2.m.ii. ***The Applicant has revised their answer to state that there will be levels of noise exceeding the existing ambient noise levels during construction and operation from truck traffic and construction equipment moving fill and materials being stored at the new laydown area. No further comments.***
6. The Applicant did not provide the EAF Mapper results for the project site. After running the EAF Mapper for parcel 36. 3-9 for the project site and reviewing it, we have the following comments:
  - a. The EAF Mapper indicates that for question E.1.h.iii. that the project is within 2,000 feet of any site in the NYSDEC Environmental Site Remediation database, DEC ID number 429003. We ask the Applicant revise their answer to this question and answer the following question E.1.h.iv and describe the current status of the site. ***The Applicant has revised their answer to state that the project site is within 2,000 feet of any site in the NYSDEC Environmental Site Remediation database, provided the appropriate DEC ID number, and indicated that the site was deleted from the NYS Registry of Inactive Hazardous Waste Disposal Sites effective 8/3/2021. No further comments.***
  - b. In question E.2.h.ii. the Applicant has indicated that there are no wetlands or other waterbodies that adjoin the project site. The project site is adjoined by the Mohawk River, therefore the Applicant should revise their answer to "yes." As this waterbody is regulated by the NYS Department of Conservation, the answer to question E.2.h.iii. should be revised to indicate "yes". ***The Applicant has revised their answer indicating that a waterbody adjoins the project site. No further comments.***
  - c. In question E.2.i. the Applicant has indicated that the project site is not located over, immediately adjoining, a primary, principal, or sole aquifer. The Applicant should revise their answer to "yes" and indicate in their answer to question E.2.i.i that it is a Principal Aquifer. ***The Applicant has revised their answer indicating that the project is located over, or immediately joining a Principal Aquifer. No further comments.***

- d. ~~The Applicant has indicated in their response to question E.3.a. that the project site, or any portion of it, is not located in a designated agricultural district, however the project site is located the Montgomery County Agricultural district #0003 (MONT003). We ask the Applicant to revise their answer. **The Applicant has revised their answer to reflect that the project site is located in a designated agricultural district and provided the appropriate district number. No further comments.**~~
- e. ~~The Applicant has indicated in their answer to question E.3.e. that the project site doesn't contain, or is substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places. The project site is located within the New York State Barge Canal Historic District, and ask the Applicant to revise their answer. **The Applicant has revised their answer to indicate that the project site is located within the New York State Barge Canal Historic District and provided a brief description of the attributes on which the listing is based. No further comments.**~~
- f. ~~The Applicant has indicated in their answer to question E.3.f. that the site, or any portion of it, is not located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory. The EAF Mapper indicates that the answer to this question is "yes." We ask the applicant revise their answer. **The Applicant has revised their answer to indicate that the project site is located in or adjacent to an area designated as sensitive for archaeological sites on the NYS Historic Preservation Office archaeology site inventory. No further comments.**~~
7. **As per comments at the Public Hearing, we ask the Applicant to change the Fire District to the Town of Glen in their response to question C.3.c.**
8. **As per comments at the Public Hearing, we ask the Applicant to add Snyder Park and Fonda Riverside Park in their response to question C.3.d.**
9. **As per comments at the Public Hearing, the issue of the parcel being in the Montgomery County Agricultural District No. 3 was brought up. The response to E.3. correctly states that the parcel to be developed is located in the Montgomery County Agricultural District No. 3. The applicant is required to prepare and submit an Agricultural Data Statement form pursuant to Section 305-a of the Agriculture and Markets Law. Please provide a copy to the Town as well.**

#### Town Permit Application

1. ~~The value of the proposed project has not been entered. **The Applicant has revised the application to include the project value of \$180,000.00. No further comments.**~~
2. ~~The zoning district should be stated as "Rural Residential" per the Town code. **The Applicant has revised the application to state "Rural Residential" as the underlying zoning district. No further comments.**~~

#### Site Plan

1. ~~The site plan should show the setback lines with dimensions on all sides of the parcel. **The Applicant has added the front, back, and side setbacks, and the dimensions on all sides of the parcel. No further comments.**~~

2. ~~The map states that the property owner is Harold Bellinger, however, the Town Permit Application states that the name of the owner is Carver Realty MV, LLC. Please advise which is correct and update the other document. **The Applicant has revised the Site Plan to show that the Owner is Carver Realty MV. This now agrees with the Town Permit Application. No further comments.**~~
3. ~~There needs to be some sort of delineation and/or shading on the plan to depict different proposed surface finish types; ie. grass, gravel, pavement, etc. **The Applicant has provided delineation of surface finishes for gravel/millings and the grass area and included them in the Site Plan Legend. No further comments.**~~
4. A cross sectional detail of the proposed infiltration practice(s) should be provided showing control features and water depth elevations. *The Infiltration Basin Detail provided on Sheet 2 of 2 states that it is based upon the NYS Stormwater Design Manual Infiltration Basin (I-2). The detail appears to be missing the required 6" PVC pipe observation well. The Applicant has revised the Site Plan to show the 6" PVC observation well to the Infiltration Basin Detail, satisfying our comment.*

#### Floodplain Evaluation Technical Note

1. ~~The document states that the Base Flood Elevation (BFE) at the parcel is 292 ft. NAVD88 and that it is planned to be regraded to an elevation of 286 ft., however, the existing elevation of the site is not mentioned. **There was no Grading Plan included with our Technical Note from Ramboll, however, we acknowledge that the most recent version of the Site Plan shows the existing contours that range in elevation from roughly 280 feet to 286 feet above sea level. No further comment.**~~
2. ~~The NYSDEC Technical memo dated 5/23/2023 stated that "the floodway encroachment analysis was acceptable and meets the no-rise requirement of the floodplain management regulations." They also stated that "Before any work is done, a Floodplain Development Permit should be obtained from the Town of Glen. **No further comment.**~~

#### Certificate of Compliance for Development in a Special Flood Hazard Area

1. The Certificate is missing the permit number, date, and indication if the certificate is for a new building, existing building, fill, or other; and it appears to have been issued prematurely as the work has not been completed. **See comment #2 below.**
2. A copy of the Floodplain Development Permit Application should be provided for review including all required documents, including but not limited to: Site Plan, elevation certificate, development plans, topographic information, top of new fill elevation, PE certification of soil compaction. The application, with supporting documentation and Code Enforcement Officers determination will become the permit. **The Applicant has provided the Flood Plain Development Permit Application dated 6/12/2023 and accompanying letter for the Town Code Enforcement Officer stating that the Floodplain Evaluation was completed and accepted by NYSDEC. The remainder of the application (Section 3 through 5) needs to be completed by the Code Enforcement Officer. When the project is complete, the applicant will need to provide the information in Section 6. Finally, the Code Enforcement Officer will complete Sections 7 & 8 Certificate of Compliance.**
3. **As per comments at the Public Hearing, it was discussed that not enough information had been provided on the material stockpiles that are proposed to be placed on the site. NYSDEC was contacted about this as the Floodway Technical Note prepared by Ramboll did not take into account any materials placed on the proposed laydown pad. NYSDEC responded that "If they encroached**

*into the floodway, then they would have to do the analysis again or redo the analysis that they already did and include the materials in the floodway analysis.” The applicant needs to provide a revised Site Plan showing where material storage piles will be placed on site and the maximum height the piles will be. Unless additional floodway analysis is performed, no material should be shown closer to the river than the red line that delineates the Floodway boundary on the site plan.*

#### SWPPP

1. ~~As the project plans to disturb more than one acre during construction, a Full Stormwater Pollution Prevention Plan (SWPPP) was prepared and submitted for review. **No further comments.**~~
2. ~~The applicant states that stormwater runoff *quantity* controls are not required for this project as the site drains directly to the Mohawk River, “which is classified as being greater than a 4<sup>th</sup> order stream.” The NYS SWDM states that quantity controls can be waived for 5th order or larger streams. The applicant should provide backup to the order number of the Mohawk River at the proposed outfall point(s). The project will still employ stormwater *quality* controls, as required by NYSDEC, by utilizing two (2) infiltration basins. **The Applicant has stated that the area of the Mohawk River adjacent to the project site is classified as a 6<sup>th</sup> order stream and has provided a link to the National Hydrography Data Set Watershed Report and a printed copy of the data showing the location and Stream Order to verify that statement. No further comment.**~~
3. ~~Percolation test results and test pit data in the location of both proposed infiltration basins are required per the NYS Stormwater Design Manual (SWDM) to show the suitability of the proposed practice. **The Applicant has provided a Test Pit Log table for both proposed infiltration basins on the Site Plan and the results are in compliance with the requirements for the proposed type of infiltration practice.**~~
4. ~~No information was included in Appendices A or B. **The revised SWPPP now includes the contents of both appendices.**~~
5. ~~The Site Location is incorrectly shown on the first map in Appendix C. **The Site Location map in Appendix C has been corrected.**~~
6. ~~On the Proposed Drainage Plan in Appendix D, it appears that the proposed drainage boundary along the west side of the property should be adjusted so that it runs through the center of the proposed swale. **The response to leave the boundary as is has been found to be acceptable.**~~

#### NYSDEC Lead Agency Letter & Ingalls Response

1. FEAF Brief Description of Proposed Action. NYSDEC stated that “There is also no mention of what will be stored on the bulk storage pad” and “Additionally, the site plan associated with this action should be updated to include these details.” Neither of these items were addressed in the response letter.
2. SPDES General Permit. NYSDEC raises several concerns regarding the water quality treatment structures being located “on or near the banks of the Mohawk River.” The response letter does not fully address the comments. As part of a revised response, please also include a dimension on the plans from the edge of the treatment structures and laydown pad to the edge of the river bank.



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If you have any questions, please feel free to contact me.

Sincerely,

**KB Group of NY, Inc. dba PRIME AE Group of NY**

A handwritten signature in purple ink that reads "Douglas P. Cole".

Douglas P. Cole, P.E.  
Senior Director of Engineering

cc: Tim Reilly, Supervisor, Town of Glen  
Planning Board members  
Nick Laraway, Carver Companies  
Peter Yetto, PE, Ingalls  
Patrick Connally, NYSDEC  
James Malcolm, PE, NYSDEC R4