



7 March 2008
Job No. 1044

Supervisor Phil Marino & Town Board Members
Town of Stony Point
74 East Main Street
Stony Point, NY 10980

Re: 19 February 2008 Email from Tom McMenemy Regarding Crossroads/Shop Rite Drainage

Gentlemen,

Supervisor Marino requested a written response to Mr. McMenemy's email dated 19 February 2008. Greater Hudson Valley Engineering's responses will be found in the bold text which will follow Mr. McMenemy's statements in *italics*.

The SEQRA Part II reviewed by you at the 2/13 Meeting indicates drainage to be a potential large impact. I have reviewed the applicant's preliminary drainage study prepared by Dr. Amadi for the applicant. The study calls for the waiver of the quantity storage requirement for storm water discharge. I believe it is the applicant's intention to treat only for water quality due to the fact that the storm water discharges to a fourth order stream, the Cedar Pond Brook.

The original submission for Crossroads was made in November of 2007. Shortly after the submission was made, our office was informed by the applicant's representative, Atzl, Scatassa and Zigler (ASZ), to discard the submission, as significant changes were to be made. As such, we have not reviewed this application. At the Planning Board meeting held on 28 February 2008, Mr. Zigler advised that a revised concept will be provided to the Town this upcoming week. Once the concept is provided, we will review and provide comments Particular attention will be given to the drainage system's discharge point and any requested waivers from NYSDEC regulations. As done in the past, comments will be prepared and submitted for the review and use of the lead agency.

I question the discharge point of this storm water for this site. The DEC requirement that quantity storage can be waived is only if the water discharges "directly" to the fourth order stream. The Planning Board has waived quantity storage on several projects recently, at the Town Engineer's recommendation, most notably the Annies' – Sembler Project. I had asked the Engineer to investigate the location on the discharge point but have been given no information.



For the record, the Planning Board did not waive quantity storage on the Annies'-Semler project, nor did we recommend it. Mr. McMenamain was at these meetings. Per NYSDEC regulations, both water quality treatment and water quantity controls were designed by the applicant. The drainage model (refer to page 5 of ASZ's 10/17/07 report) reflects a net decrease in peak flow for the 1, 10 and 100-year storm events. Water quantity controls are provided using underground storage pipes (60" diameter corrugated metal pipes). However, although the design provides for a net decrease of 0.92 cfs for the one-year storm, a 29% decrease, the 24-hour extended detention requirement was not met. During the review process, our office determined that meeting this requirement is not necessary, due to the following: the 29% decrease noted above and the fact that the proposed drainage system discharges to an existing storm sewer system with a relatively insignificant flow rate of 2.3 cfs. (Refer to the response Mr. McMenamain's *Question #2* in an email from Ms. Jackie Bubenko to Mr. McMenamain on 24 May 2007 (copy attached).

Regarding the Town Line Park application, which is not specifically mentioned in Mr. McMenamain's email, it should be noted that the applicant has requested a waiver for quantity storage. Please note, the existing stormwater system into which the proposed drainage ties discharges through an existing 30-inch reinforced concrete pipe (RCP) located on tax lot 20.02-11-28 (owned by Stony Point Technical Park) at the end of Holt Drive, then flows through a channel to freshwater tidal wetlands and the Cedar Pond Brook (a fourth order stream). The New York State Stormwater Management Design Manual does not specifically distinguish between "tidal waters" and "tidal wetlands", (in fact, both are the same under US Army Corps of Engineers definitions) and as such we interpreted "tidal waters" to include "tidal wetlands". However, in an email from Ms. Manju Cherian (NYSDEC) to Mr. McMenamain on 03 March, 2008, it is stated that "tidal waters don't include the tidal wetland, they can only have the waiver if they discharge directly into the tidal waters".

It should also be noted that the applicant has not received final approval for the Town Line Park application, and as such stormwater quantity controls can still be addressed in accordance with the DEC's recent interpretation. Also, during the review process, on behalf of the town, our office requested that the applicant replace the size of the 30-inch RCP mentioned above, (also requiring rip-rap erosion control at the outlet); and we also requested a drainage easement through the private property. This private line is currently the subject of a lawsuit between its owner and the Town.

All stormwater runoff on Holt Drive, including the stormwater from previously approved projects, is directed to the 30-inch RCP noted above, which again, is located on private property, the same property Mr. McMenamain refers to below as "belonging to another party". Mr. McMenamain was on the Planning Board during the approval process for the Hudson Grande project which is on Holt Drive, and in fact, seconded the approval of this project on



December 8, 2005. Clearly, he was and is aware of the stormwater characteristics of this area, and we do not understand why he is now singling out Crossroads.

I believe the attached photo is the discharge point for all the Holt Drive properties. As you can see there is quite a bit of erosion around this outfall. My sense is this discharge point is over 1000 feet from the bank of the Cedar Pond Brook. I also feel that there is a significant elevation change between the outfall and the waterway. It also appears to discharge onto property belonging to another party.

The photo was not attached to the email we received; however, we have walked this line several times. Stormwater runoff from Holt Drive drains east on Holt Drive and then north through the private section of Holt Drive owned by MBC Holding LLC (20.02-11-26,27). The runoff then continues through the 30-inch RCP noted above, which daylight onto tax lot 20.02-11-28 owned by Stony Point Technical Park, as described above.

Obviously this pipe needs remediation, however as stated previously, this is a private line and is the subject to a lawsuit and discussions between the property owner and the town's attorneys.

The concept of quantity retention is to prevent stream bank erosion and flooding down stream from the site. The NYS DEC Stormwater Management Design Manual calls for waiving the Stream Channel Protection Volume requirements only if the site discharges "directly" to tidal waters or a fourth order (fourth downstream) or larger stream. The concept here is that when the discharge point is "directly" to tidal waters or a fourth order stream, particularly a tidal waterway, the chance for erosion or flooding is remote. While I agree with the concept, this stormwater leaving these properties is running over land and through a tidal (?) wetlands before entering the stream. The Crossroads application will exacerbate this existing condition by contributing a new larger amount of water.

As mentioned above, we are awaiting the revised concept drainage plan from ASZ regarding Crossroads. At the Planning Board technical review meeting, the applicant discussed providing on-site stormwater quantity and quality controls for the proposed ShopRite. Offsite improvements will also be considered.

It should be noted, that the Crossroads site is very nice gravel-like native material. The new application will intercept water leaving the old Stop and Shop property. That water is now percolating nicely into the gravel of the new site. The Crossroad project will pipe this water through the new site and send it directly to the discharge point along with the runoff of the newly installed impervious surfaces. Our previous drainage plan for the World Gym included a retention basin.



The statement is obvious, which is why detailed analyses and possibly controls are required. The Applicant must be given the right to submit these analyses for review. As mentioned above, we are awaiting the revised concept drainage plan from ASZ.

It is my recommendation that the applicant prove to your satisfaction that the discharge of this storm water is "directly" to tidal waters or the fourth order stream. I also recommend that the discharge be mapped, the wetlands identified and delineated, the proper owner of the property identified, and the DEC confirm in writing that the waiver of the on site retention for this project and the past projects is appropriate.

No waiver has been requested so this question is moot. For your information, this property has been surveyed, the pipe located, and the wetlands delineated, by the owner, MBC Holding LLC. The DEC has signed off on the delineation of this freshwater wetland.

If you have any questions or require any further information, please call.

Very truly yours,

A handwritten signature in black ink that reads "Thomas B. Vanderbeek". The signature is written in a cursive, flowing style.

Thomas Vanderbeek, P.E.
President

cc: Planning Board
Jackie Bubenko, GHV
William Sheehan, Chief Building and Zoning Inspector
Dennis Lynch
Jerrold Miles
David Resnick