

EROSION CONTROL

Chapter Fourteen

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Introduction:

In response to comments from the Town and during the SEQRA process as a part of this FEIS, the applicant has refined the erosion control plans for the project. These plans are included in the site plan set in Chapter 22. The erosion control plans reflect the new layout of the project and are shown to be in compliance with the NYSDEC requirements for a maximum area of disturbance of 5 acres at any one time. The plans will continue to be refined through the site plan review process subject to NYCDEP and Town review. If construction of the project can not be completed in 5 acre increments, then the site plans will be subject to review by NYSDEC for compliance with the additional standards of Part II.C.3 and will require written permission from NYSDEC.

Comment Erosion-1

Executive Summary

Pages ES-8 states that the applicant will seek a waiver from NYSDEC regulations for the size of construction disturbance at any one time. Efforts must be made to satisfy the New York State Department of Environmental Conservation rule that “construction activity shall not disturb greater than five (5) acres of soil at any one time.” The purpose of this rule is to minimize the potential for erosion and sedimentation by reducing the time period wherein large areas of disturbed soils may remain inactive. As such, a preliminary construction sequence with phasing must be submitted for review to assess whether the phasing is manageable and efficient. (NYCDEP (11/12/2013))

Response:

The preliminary construction phasing will consider five acre increments and determine if those increments are the most environmentally appropriate prior to considering waivers. Updated Erosion Control/Stormwater Pollution Prevention Plans are included in the Site Plan set in the Appendix (Sheets L16.1-16.12 and L-16 a-c).

Comment Erosion-2

The extent of sloped areas on the project site (nearly 100%, the steepness of the site’s slopes (up to 83%), and the enormous amount of cut and fill required (400,000 cubic yards) will require considerable Best Management Practices (BMPs) to mitigate the likely impacts of erosion on the site during construction. These BMPs must be incorporated in the project’s SWPPP and submitted for public review. Without these BMPs identified in a SWPPP that is submitted with the DEIS, the DEIS fails to comply

with SEQRA's requirement to propose mitigation measures for the likely severe environmental impacts that will result from project construction. The DEIS must also identify the impacts and planned mitigation or its ill-advised proposal to disturb more than five acres at one time such as a steeply and extensively sloped site. (Riverkeeper (11-12-2013))

Response:

Best Management Practices (BMPs) will be incorporated into the project phasing as mentioned above. Phasing will be considered at five acre increments before any request to alter the size of disturbance areas is further considered.

Comment Erosion-3

Therefore, the Applicant's SWPPP must include a detailed Erosion and Sediment Control Plan that provides for special design criteria to mitigate the stormwater impacts of construction activities on the steeply sloped project site with severe soil limitations. These are essential project elements, the omission of which precludes informed review of the proposed action, its potential impacts to water quality, and the adequacy and accuracy of the DEIS for which the lead agency is responsible. (Riverkeeper (11/12/2013))

Response:

The detailed Erosion and Sedimentation Control Plans and the Stormwater Pollution Prevention Plan (SWPPP) will be prepared in final form during the final site plan review process. The project is now being reviewed for zone change and preliminary site plan. The FEIS includes a preliminary Erosion and Sedimentation Control Plan, construction sequence and SWPPP.