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Environmental Planning & Site Analysis
Wetland Mitigation & Restoration Plans
Wetland Delineation & Assessment
Natural Resource Management
Pond & Lake Management
Wildlife & Plant Surveys
Breeding Bird Surveys
Landscape Design

MEMORANDUM

To: Thomas LaPerch, Chairman
Town of Southeast Planning Board
Members of the Planning Board

From: Stephen W. Coleman

Date: December 07, 2019

Re: **Commercial Campus at Fields Corners, 51 Pugsley Road, Tax Map ID 45.1**

Materials Reviewed:

- Letter to chairman LaPerch and Members of the Planning Board from D. Richmond and K.Roberts, dated 11-18-19.
- Set of Site Plan Approval Drawings Commercial Campus at fields Corner, dated 11-06-17, last revised 11-18-19, as prepared by JMC.
- Set of Six Drawings "Commercial Campus at Fields Corner, dated 03-18-18, last revised 08-07-19 as prepared by Evans Associates Environmental Consulting, Inc.
- Full Environmental Impact Statement, Volume I, prepared by JMC, dated 02-22-19, last revised 11-19.
- Full Environmental Impact Statement, Volume II, prepared by JMC, dated 03-19, last revised 11-19.
- Full Environmental Impact Statement, Volume III, prepared by JMC, dated 03-19, last revised 11-19.
- FEIS III.6 Surface Water and Wetlands.
- Wetland Water Budget Analysis dated 07-29-19 as prepared by Evans Associates Environmental Consulting, Inc.
- FEIS III.9 Vegetation and Wildlife.
- Installation, Management, and Monitoring Protocol for Upland Habitat Restoration Areas and Wetland Habitat Restoration, as prepared by Evans Associates Environmental Consulting, Inc., dated 08-2019.
- Invasive Species Field Manual as prepared by Evans Associates Environmental Consulting, Inc., dated 07-2019.
- Herpetofaunal Habitat Assessment of the Proposed Northeast Interstate Logistics Center, as prepared by B.M. Ruhe, the Mid-Atlantic Center for Herpetology and Conservation, dated 01-2019.
- Herpetofaunal Presence/Probable Absence Surveys of the Proposed Commercial Campus at Fields Corners, as prepared by B.M. Ruhe, the Mid-Atlantic Center for Herpetology and Conservation, dated 08-2019.
- Wetland Delineation Report, prepared by Evans Associates, dated 09-14-17.
- Biological Assessment Report, prepared by Evans Associates, LAST REVISED 03-20-2018.

I have completed a review of specific sections of the FEIS submission regarding a determination of completeness of the draft FEIS. The following is a list of comments regarding review of the proposed Draft FEIS.

I offer the following comments:

III.6 Surface Water and Wetlands

1. Response 6-1: The requested map prepared for NYCDEP has not been included. The FEIS should include an updated map of all watercourses identified by NYCDEP and disturbances clearly outlined on site plan.
2. Response 6-2: This comment has been addressed previously by the Town Wetland Consultant memo dated 03-11-18. A Joint Permit Application to NYSDEC and ACOE will be submitted once SEQRA review is complete, along with appropriate data sheets specific to wetland disturbance for widening of Barrett Road. Issue addressed.
3. Response 6-3: This response has been revised and a Wetland Water Budget Analysis Report that focuses on Wetlands 4,5 and 6 has been prepared. I concur with the recommendations provided within the Report and that no significant adverse changes to existing hydrology will occur for Wetlands 4, 5 and 6. Response adequately addressed.
4. Response 6-5: The signed wetland boundary validation block should be added to the site plans. This comment has not been addressed and should be included with a revised Draft FEIS.
5. Response 6-6: The site plan has been revised to consolidate buildings from 4 to 2 buildings, resulting in a 17% reduction in building coverage. NYSDEC buffer impacts to the adjacent area has been reduced to 2.08 acres (originally 2.66 acres) and Town of Southeast buffer impacts have been reduced to 5.23 acres (originally 5.79 acres), for a combined total reduction from the DEIS of over 70% (7.31 acres versus the previous 24.57 acres).
6. Response 6-7: The proposed wetland mitigation has been revised as requested and now includes a report "Installation, Management and Monitoring Protocol for Upland Habitat Restoration Areas and Wetland Habitat Restoration" submitted by Evans Associates, an "Invasive Species Field Manual" submitted by Evans Associates and a report by MACHAC "Herpetofaunal Presence/Probable Absence Surveys of the Proposed Commercial Campus at Fields Corner". All of these requested reports have provided the rationale for proposed mitigation measures, invasive species management and protection of existing reptile and amphibian populations present on the subject property. The proposed Habitat Restoration strategy is consistent with the recommendations provided by MACHAC.

Due to the extensive efforts to restore upland habitat restoration areas, it is strongly recommended that a 10 -year Monitoring and Maintenance Plan be incorporated as part of the approved Upland Restoration Plans. This is critical due to the extensive amount of invasive plant species that are well established around to the perimeter of targeted restoration areas. For the first 3 years, status reports should be completed twice per year, in the spring and in the fall of each year. In addition, after the first year of invasive management, a field meeting with the applicant's environmental monitor and the Town's wetlands consultant should be scheduled to evaluate whether one year is sufficient to eradicate the largest percentage of invasive seed stock prior to commencement of the proposed restoration measures. Appropriate escrows should be established as part of the FEIS approval to guarantee that the applicant's environmental monitor and the

Town's wetlands consultant will provide the necessary follow up monitoring to guarantee successful restoration of these respective areas.

Soil amendments as outlined in the Report should be changed to required and not a recommendation to assist with implementation of a successful restoration effort.

The respective mitigation plans should be revised to clearly identify where low barriers will be installed (walls, fencing and reverse curbing) between the final developed areas and proposed habitat restoration areas.

The proposed Barrett Road widening should be revised to clearly show that an elevated roadbed that incorporates new wildlife passageways will be utilized, in addition to the proposed widening of the existing culvert as shown within the Report. The applicant's wetlands consultant should provide an updated site plan for the Barrett Road widening that incorporates the above recommendations, and clearly labels the initiatives to be taken as outlined in the MACHAC report.

The applicant's wetlands consultant should be present to oversee the site preparation and removal of phragmites and other invasive plants from the targeted wetland restoration area. A follow up report to the Town's wetlands consultant should be provided prior to implementation of proposed planting and restoration efforts.

7. Response 6-10: The proposed stormwater management practices should include a 5-year monitoring and maintenance plan, especially for the proposed planting seed mixes. The same site preparation methodology used for the upland habitat restoration should be used for the stormwater planting areas, include the use of soil bio-amendments. Final grading should verify that the soils to be used are verified to be free of invasive seed plant stock.
8. Response 6-16: Refer to recommendations required in comment # 6 and 7 above.
9. Response 6-17: The revised mitigation plans should clearly show that 50% of the coverage area will be installed with live plugs of plants that are included in the proposed seed mixes. This should include the wetland restoration of Barrett Road improvements and also for the proposed stormwater basin areas.
10. Response 6-28: The revised plans incorporate the analysis provided in the Wetland Water Budget Report and are considered satisfactory.
11. Response 6-29: The revised plans should include a chart that compares the disturbance to wetlands and wetland buffer areas from the DEIS and the FEIS, that includes changes in overall mitigation measures as well.
12. Response 6-35: The revised plans have included the seed mixes to be utilized. Additional notes should be added that 50% of the aerial coverage of seed mixes to include the use of live plugs of plants that are listed within the proposed seed mixes.

III. 9 Vegetation and Wildlife

Response 9-1 – 9-35:

1. The revised draft of the FEIS incorporates the findings provided by the MACHAC Report, which addresses a significant component of environmentally sensitive biological resources that are present within the subject property. The applicant's environmental consultant has conducted extensive field surveys to document other wildlife target groups including mammals, birds and various plant groups and habitat communities. The potential presence of the New England Cottontail was also evaluated.
2. The biological assessment reports provided a general overview of potential species with specific on-site follow up surveys for target reptile and amphibian species. The Report from MACHAC is very concise and provides detail information that is site specific. Other target groups such as mammals, birds and plant species and communities have not been surveyed to the same level of detail typically required for completing natural resource assessments. However, the applicant has provided broad mitigation measures that should protect other biological groups use of the subject property. The proposed development has been significantly reduced in scope and specific protection measures planned around areas of disturbance. The specific mitigation measures including the use of barrier fencing, retaining walls, elevated road design, expanded wildlife passages, extensive stormwater practices, and extensive upland habitat restoration should minimize potential impacts to existing biological groups. The addition of a "No-Development" restriction on a total of 172 acres (made up of 3 separate areas of the site) will assist with minimization of potential long-term project impacts.
3. The applicant has indicated that they will adhere to tree cutting restrictions and follow NYSDEC and USFWS guidelines for tree removals to occur during the winter months, to minimize any potential impacts to threatened and endangered bat species.
4. The FEIS should document via submittal of a letter from NYSDEC and USFWS that no additional on-site surveys are required for potential endangered, threatened or special concern status species. Unless, these agencies require additional targeted surveys, the biological assessment reports provide a general overview of existing vegetation and wildlife assemblages present throughout the property. The proposed mitigation strategies that have been presented, will provide a significant level of protection of existing biological groups and species, and will not potentially result in any significant long-term impacts.
5. To minimize potential impacts to resident and nesting bird and mammal species, it is recommended that no clearing of vegetation occur during May 1st to July 15th when most bird and mammal species are breeding and rearing young. This will require that the planned invasive species management strategies be designed to work as much as feasible around this restriction.

This completes my review of the above sections of the proposed FEIS for completeness. Please let me know if you have further questions or require additional information.