

September 30, 2026

Town of Deerpark Planning Board
420 Route 209
PO. Box 621
Huguenot, NY 12746

Re: Final Environmental Impact Statement, Dragon Springs Buddhist, Inc., 140 Galley Hill Road, Section 31 Block 1 Lot 72, Town of Deerpark, Orange County, NY

Dear Town of Deerpark Planning Board (“Planning Board”):

At the request of the Deerpark Rural Alliance and NYenvironcom, CEA Engineers, P.C. (“CEAPC”) evaluated the potential environmental impacts related to land disturbance and development activities and stormwater and sanitary sewage (i.e., “wastewater”) generation, collection, management, and treatment (“Environmental Impacts”) of the proposed action by Dragon Spring Buddhist, Inc. (“Applicant”) at the property located at 140 Galley Road, Section 31 Block 1 Lot 72, Town of Deerpark, Orange County, NY (“Dragon Springs”) for the potential for adverse Environmental Impacts and the adequacy of the Full Environmental Impact Statement (“FEIS”) dated August 28, 2026, submitted by the Applicant to the Planned Board to adequately mitigate any potential adverse Environmental Impacts.

Section 617.9 of the New York Codes Rules and Regulations (“NYCRR”), which sets forth the criteria for the preparation and content of environmental impact statements required under SEQR, was relied upon by CEAPC to evaluate the potential significant adverse Environmental Impacts the proposed action at Dragon Springs, whether the FEIS adequately mitigates those potential adverse Environmental Impacts, and, if not, additional information required of the Applicant to determine if potential adverse Environmental Impacts will be adequately mitigated. Furthermore, CEAPC relied upon current NYSDEC regulations, permitting requirements, and guidance documents related to land disturbance activities and stormwater and wastewater collection, management, and treatment, as well as the general requirement of adherence to best engineering practices and judgment and industry standards in the sanitary sewer and wastewater treatment industries.

Executive Summary

As a result of its evaluation of the potential adverse Environmental Impacts and proposed mitigation measures related to wastewater and stormwater generation, collection, conveyance, and treatment contained in the FEIS for the proposed action on Dragon Springs, CEAPC has determined that *the FEIS is entirely inadequate to properly mitigate the potential for numerous significant adverse Environmental Impacts associated with the proposed action at Dragon Springs and does not comply with the requirements of Section 617.9 of the NYCRR*, which



sets forth the criteria and requirements for the preparation and content of environmental impact statements under SEQR.

The inadequacies of the FEIS include, but are not limited to failures to include:

- discussion and mitigation measures required by the Planning Board-approved Scoping Document
- drawings or design details and specifications for the proposed expanded WWTP
- drawings depicting the proposed piping network and pump stations necessary to collect and convey wastewater to the proposed WWTP are included.
- descriptions, details, design calculations, proper soil deep test pit and percolation test results, or design drawings related to the proposed drip-line SSDS to ensure it will be designed in accordance with the applicable regulatory guidance in the March 5, 2014, NYSDEC New York State Design Standards for Intermediate Sized Wastewater Treatment System.
- consistent and adequate information regarding the proposed post-construction stormwater management practices (“SMPs”)
- critical soil testing results and data for the design of proposed post-construction SMPs
- essential and critical erosion and sediment critical (“E&SC”) Plan drawings, design details, construction and phasing sequencing, and operation and maintenance details and notes
- essential and critical post-construction SMP construction details and operation and maintenance details and notes

Based on the inadequate and contradictory content of the FEIS for the proposed action at Dragon Springs as detailed in this Technical Memorandum, the Planning Board as lead agency and the responsible entity to ensure the adequacy and accuracy of the FEIS, cannot approve the FEIS. The Planning Board must require submission of a revised FEIS containing all of currently missing, required content described in this Technical Memorandum, containing all of the information required by the Scoping Document, and that fully complies with all SEQR requirements.

Description of Proposed Action

The proposed action at Dragon Springs is located on a 423 acre property containing existing developed areas with temple buildings, two religious schools, and numerous accessory structures. Currently, 70 acres of the property have been developed. The proposed action will



occur in the general vicinity of the existing developed areas located in the eastern portion of the property.^{1,2}

Proposed plans containing drawings for Dragon Springs showing the existing conditions and the proposed action at Dragon Springs were prepared by Kaijin Liang, P.E., Consulting Engineer and are dated July 6, 2025, (“Plans”).³

The proposed action at Dragon Springs will physically disturb “approximately” 50 acres and will result in “approximately” 15 acres in new impervious area.^{4,5} Its primary components include:⁶

- land clearing, vegetation removal, and soil disturbance activities
- an increase in developed area from 70 acres to 120 acres, an increase of 71%
- an increase in impervious areas (e.g., roads, buildings, parking areas) of approximately 15 acres from the existing 35 acres to 50 acres, an increase of 43%.
- construction of new, impervious areas and modification of existing facilities including:
 - 72,800 square feet (“sf”) (1.67 acres) 920-seat music hall
 - 18,700 sf Temple complex
 - Two parking structures
 - Parking Garage A with 777 car and 24 bus parking spaces
 - Parking Garage C with 867 car and 26 bus parking spaces
 - Numerous new paved roadways and walkways
 - Several small ancillary buildings
- expansion of the existing wastewater collection, conveyance, and treatment system consisting of piping networks, a grease trap, septic tanks, WWTP with biological treatment and ultraviolet disinfection and subsurface sanitary disposal systems (“SSDS”) (i.e., leach fields) with a NYSDEC SPDES permitted treatment capacity of 18,400 gallons per day (“gpd”) into an expanded collection and conveyance system, new wastewater treatment plant (“WWTP”) with a multi-treatment unit biological treatment system with UV disinfection and significantly expanded SSDS consisting of a 223,000 sf

¹ Final Environmental Impact Statement (FEIS) Dragon Springs Buddhist, Inc. Site Plan Amendments, August 28, 2026, page 2. (Hereafter, “FEIS”)

² Kailan Liang, P.E., Consulting Engineer, Dragon Springs Buddhist, Inc, Overall Site Plan, Sheet C-1, July 6, 2025.

³ Kailan Liang, P.E., Consulting Engineer, Dragon Springs Buddhist, Inc, July 6, 2025. (Hereafter, “Plans”)

⁴ FEIS, page 7.

⁵ Kailan Liang, P.E., Stormwater Pollution Prevention Plan for Dragon Springs Buddhist, Inc, Town of Deerpark Orange County, NY, August 2026, page 7. (Hereafter, “SWPPP”).

⁶ FEIS, pages 2 – 4.



drip-line subsurface disposal system (with a 100% reserve area) that will require an increase permitted treatment capacity of 100,000 gpd, a ***greater than 440% increase*** from existing conditions.^{7,8,9}

- expansion of the existing stormwater collection, conveyance, treatment and storage system to include construction of additional piping networks, pump stations, and post-construction SMPs inclusive of two sand filters, an infiltration basin, and construction of a second lake with a 417 acre-feet storage capacity to supplement the existing lake having a 127 acre-feet capacity, to serve as stormwater treatment ponds.¹⁰

Environmental Impact Statement Requirements under SEQR

Environmental Impact Statements (“EIS”) are required under SEQR to contain specific content and analyses related to the potential significant adverse environmental impacts identified for a proposed action and evaluate all reasonable alternatives to adequately mitigate all potential significant adverse environmental impacts.¹¹ FEIS may incorporate or reference other documents, including a draft EIS (“DEIS”) or other relevant documents (e.g., stormwater pollution prevention plan), and must include the DEIS either by direct incorporation or by reference.¹²

Specifically, EIS must contain:

- the relevant and material facts upon which a lead agency or regulatory agency is to make a decision related to the proposed action¹³
- analysis of the significant adverse environmental impacts from a proposed action reasonably anticipated to occur that have been identified in the scoping document and evaluation of all reasonable alternatives to mitigate them¹⁴
- descriptions of mitigation measures to prevent adverse environmental impacts¹⁵

The lead agency under SEQR, which for the proposed action at Dragon Springs is the Planning Board, is responsible for ensuring the adequacy and accuracy of the FEIS, regardless of who prepares it.¹⁶

⁷ Plans, Sheet C-1.

⁸ Kaijin Liang, P.E., Wastewater Treatment System Capacity Analysis, Dragon Springs Buddhist, Inc., July 2026. (Hereafter, “WW Treatment System Capacity Analysis”).

⁹ FEIS, pages 39 - 40.

¹⁰ SWPPP, pages 8 – 10.

¹¹ New York State Codes, Rules, and Regulations, Title 6. Department of Environmental Conservation, Chapter VI. General Regulations, Part 617. State Environmental Quality Review, 617.9, Preparation and content of environmental impact statements, 617.9.(b) Environmental impact statement content, Current through September 15, 2023. (Hereafter, “Part 617.9.(b) EIS Contents”)

¹² Part 617.9.(b) EIS Contents, 617.9.(b)(7).

¹³ Part 617.9.(b) EIS Contents, 617.9.(b)(7) and 617.9.(b)(8).

¹⁴ Part 617.9.(b) EIS Contents, 617.9.(b)(1) and 617.9.(b)(2).

¹⁵ Part 617.9.(b) EIS Contents, 617.9.(b)(5)(iv).



Existing SEQR Declarations and History of Proposed Action

The proposed action at Dragon Springs was originally submitted for review to the Planning Board with submission of a Full Environmental Assessment Form (“Full EAF”) with associated site plans on January 29, 2018, over 8 and a half years ago. The Planning Board issued a positive declaration under SEQR on April 11, 2018, requiring preparation of first a Draft Environmental Impact Statement (“DEIS”) and ultimately an FEIS. The Applicant prepared the scoping document required under SEQR, which was ultimately approved by the Planned Board on June 13, 2018, (hereafter, “Scoping Document”). The Applicant submitted a DEIS to the Planning Board on November 14, 2018. The DEIS was made available for public review and a public hearing was held and closed on April 10, 2019, though written comments on the DEIS were accepted by the Planning Board until May 8, 2019.¹⁷

The Applicant did not respond to comments from the public, relevant regulatory agencies, or the Planning Board and prepare an FEIS for over 7 years, until August of 2026. Additionally, ***the proposed action at Dragon Springs as detailed in the FEIS is considerably different from what was proposed in the DEIS over 8 years ago.*** No supplemental DEIS was prepared prior to preparation of the FEIS to address the potential adverse environmental impacts from the proposed action as currently contained in the FEIS and to identify adequate mitigation measures for them. As such, ***the FEIS is required under Section 617.9 of the NYCRR to fully evaluate all reasonable alternatives to adequately mitigate all potential significant adverse environmental impacts adequate to allow the lead agency or involved regulatory agencies to make a decision related to the proposed action and the public to be fully informed on the potential impact of the proposed action.***

It must be noted that since submission of the Full EAF, site plans, and DEIS in 2018, considerable changes have occurred to regulations and NYSDEC guidance relevant to the proposed action and CEAPC’s evaluation of Environmental Impacts and the adequacy of the FEIS. The Applicant needs to fully account for all changes in NYSDEC guidance and regulations in the FEIS, Plans, and associated documents. For example, NYSDEC issued an updated New York State Stormwater Management Design Manual in July 2024 (hereafter, “2024 SWMDM”) and a new NYSDEC State Pollutant Discharge Elimination System (“SPDES”) General Permit for Stormwater Discharges from Construction Activity, Permit No. GP-0-25-001 (“GP-0-25-001”).

¹⁶ Part 617.9.(b) EIS Contents, 617.9.(b)(8).

¹⁷ FEIS, page 1.



Potential Adverse Environmental Impacts Identified in Scoping Document

The potential adverse Environmental Impacts (i.e., stormwater, wastewater, or land disturbance related environmental impacts) identified in the Scoping Document include:¹⁸

- limitations that soils may place on development of the proposed action¹⁹
- potential for soil erosion and “drainage complications”²⁰
- potential for contamination of surface waters²¹
- impacts related to the wastewater treatment plant discharges²²
- wastewater management, including requirements for the FEIS to contain:²³
 - the quantity of anticipated wastewater production
 - descriptions of the proposed systems to collect, convey, and treat wastewater
 - provision of a map of the proposed wastewater collection, conveyance, and treatment system, including system type, size of components, and discharge locations
 - descriptions of NYSDEC regulations on overall volume of the wastewater discharge and limits on dissolved oxygen, ammonia, and total suspended solids
 - impacts associated with onsite collection and conveyance systems, including impacts to surface water resources and groundwater, potential for odors and noise, and issues associated with chemical use or chlorination
 - descriptions of administrative issues, including wastewater collection, conveyance, and treatment system maintenance, sampling, and reporting
- stormwater management, including requirements for the FEIS to contain:²⁴
 - coverage under GP-0-25-001

¹⁸ Burke, Miele, Golden, and Naughton, LLP, Draft Scoping Document for a Draft Environmental Impact Statement, Applicant: Dragon Springs Buddhist Inc., Adopted June 13, 2018. (Hereafter, “Scoping Document”).

¹⁹ Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, A. Soil and Topography.

²⁰ Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, A. Soil and Topography.

²¹ Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, B. Surface Water Resources

²² Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, B. Surface Water Resources

²³ Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, D. Wastewater Management.

²⁴ Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, E. Stormwater Management.



- temporary impacts resulting from construction activities
- descriptions of the following stormwater design and management components
 - pre-construction drainage patterns
 - post-construction drainage patterns
 - stormwater peak flows
 - stormwater volumes that will be generated (consistent with the requirements of GP-0-25-001 and the 2024 SWMDM)
 - infrastructure to capture, store, manage, and treat stormwater (consistent with GP-0-25-001 and the 2024 SWMDM)
 - stormwater infrastructure maintenance
- descriptions and graphical depictions of proposed stormwater study points and pond discharges
- water quality impacts
- water quantity impacts
- an E&SC plan inclusive of a maintenance and inspection schedule during construction
- vegetation removal and impacts to wildlife, including threatened and endangered species²⁵

The FEIS is required to discuss and analyze the potential adverse environmental impacts identified in the Scoping Document. The FEIS must describe the proposed mitigation measures for each of them with adequate detail, as described in the Scoping Document, and design information and details consistent with NYSDEC guidance and regulations and in adherence to best engineering practices and judgment and industry standards in the sanitary sewer and wastewater treatment industries for the lead agency, regulatory agencies, and the public to be assured the proposed action at Dragon Springs will not result in adverse environmental impacts.

Sensitive Environmental and Ecological Resources with the Potential to be Adversely Impacted On and Adjacent to Dragon Springs

Dragon Springs contains and/or is adjacent to numerous sensitive environmental and ecological resources as classified by NYSDEC. As a result of the sensitive environmental and ecological resources existing on and adjacent to Dragon Springs, the FEIS needs to adequately propose and fully detail stringent protective mitigation measures that adhere to all NYSDEC guidance,

²⁵ Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, F. Vegetation and Wildlife.

permitting, and regulatory requirements and to prudent, best engineering practices and industry standards related to site planning, stormwater management and treatment, land disturbance activities, and wastewater management and treatment.

The western boundary of Dragon Springs abuts the Neversink River (“Neversink”), a class B (T) fresh surface water as classified by the NYSDEC that is located within the Upper Delaware Major Basin special planning district as designated by New York State, and the Basher Kill, a class C fresh surface water, which discharges to the Neversink.^{26,27} (See Attachment A). Class B fresh surface waters in New York State have best usages including primary and secondary contact recreation and fishing, and shall be suitable for fish, shellfish, and wildlife propagation and survival.²⁸ A (T) designation means that a surface water are designated trout waters.²⁹ Class C fresh surface waters in New York State have best usages including fishing and shall be suitable for fish, shellfish, and wildlife propagation and survival and primary and secondary water contact recreation.³⁰

The Neversink floodplain forest adjacent to the Neversink and located on and adjacent to Dragon Springs is a NYSDEC significant natural community.³¹ Significant natural communities are locations of rare or high quality habitats, ecosystems, and ecological areas (e.g. high-quality wetlands, high quality forests).³²

Dragon Springs contains or is located in the vicinity of endangered or threatened species as listed by New York State or the Federal government and rare animals of special concern, as determined by New York State (See Attachment A).³³ The rare animals of special concern in the vicinity of Dragon Springs are freshwater mussels, dragonflies, and damselflies.³⁴ Endangered or threatened species include the mussels and bats.³⁵

FEIS Content - Wastewater Management

Wastewater generation and the potential for wastewater-related pollution resulting from Dragon Springs will increase considerably from existing conditions as a result of the proposed increase in wastewater generation from a permitted wastewater treatment capacity of 18,400 gpd to 100,000 gpd, an increase of over 440%.

²⁶ New York State Department of Environmental Conservation, Environmental Resource Mapper, <https://giservices.dec.ny.gov/gis/erm/>, Accessed September 29, 2026. (Hereafter, “NYSDEC ERM”)

²⁷ Mid-Hudson Planning Consortium, Mid-Hudson Regional Sustainability Plan, Selection of Watershed Management Plans, March 2013.

²⁸ New York Codes, Rules, and Regulations, 6 CRR-NY 701.7, Accessed September 29, 2026.

²⁹ New York Codes, Rules, and Regulations, 6 CRR-NY 701.25, Accessed September 29, 2026..

³⁰ New York Codes, Rules, and Regulations, 6 CRR-NY 701.7, Accessed September 29, 2026.

³¹ NYSDEC ERM.

³² NYSDEC, Tell Me More About Significant Natural Communities, <https://giservices.dec.ny.gov/gis/erm/naturalHeritageCommunities.html>. Accessed September 30, 2026.

³³ NYSDEC ERM.

³⁴ NYSDEC ERM.

³⁵ NYSDEC ERM..



Existing Wastewater Treatment System

The existing wastewater treatment system consists of a 6,000 gallon grease trap tank, two 2,000 gallon septic tanks, three 6,000 gallon septic tanks, a WWTP with biological treatment and an ultraviolet disinfection system and a SSDS for wastewater disposal to on-site soils.^{36,37,38}

Proposed Wastewater Treatment System

The proposed action at Dragon Springs plans will require an increase in permitted wastewater flows by nearly 440% from current NYSDEC allowed flow rates. It will require a considerably expanded and more complicated piping and pump network to collect and convey the increased wastewater flows generated to the entirely new proposed WWTP.

The new proposed WWTP consists of an extensive treatment train that will require proper design to achieve adequate pollutant removal and flow conveyance consisting of the following treatment and flow conveyance system:^{39,40}

- 1 influent splitter box
- 4 septic tanks
- 1 equalization tank
- 1 post-equalization splitter box
- 2 pre-anoxic biological treatment tanks
- 4 aerobic biological treatment tanks
- 2 post-anoxic biological treatment tank
- 1 membrane bioreactor
- 1 sludge holding tank
- 2 ultraviolet disinfection channels
- 1 post-disinfection aeration tank

The WWTP is proposed to be located in a new 2,500 sf building with an odor control system. The existing grease trap to capture fats, oil, and grease from the existing kitchen will remain in use.⁴¹

³⁶ WW Treatment System Capacity Analysis.

³⁷ DEIS, pages 24 – 25.

³⁸ FEIS, page 39.

³⁹ DEIS, page 25.

⁴⁰ FEIS, page 40.

⁴¹ DEIS, page 25 and 26.



Existing and Proposed SSDS

Treated wastewater currently discharges to an SSDS with a permitted capacity of 18,400 gpd that will continue to be used for subsurface wastewater disposal as part of the proposed action.⁴² The proposed SSDS will consist of a drip-line system. In order to ensure adequate percolation rates, the Applicant proposed that the existing upper soil layer consisting of approximately 6 inches of topsoil underlaid by between 3 feet and 3.5 feet of silty clay will be excavated to an adequate depth to support wastewater percolation as part of the drip line system, f sandy loam soils similar to what underlies the silty clay layer will be imported to Dragon Springs, and the sandy loam soils will be backfilled into the excavated area.^{43,44}

A drip-line subsurface disposal system consists of lateral pipe distribution system placed between the top 6 inches and 12 inches of soil. It requires a large dosing tank to properly accommodate timed dose delivery of wastewater into the subsurface disposal area, with associated pumping systems.⁴⁵ Attachment B of this Technical Memorandum contains a drawing showing a typical drip-line SSDS.

CEAPC Comment 1: The contents of the FEIS related to the proposed mitigation measures to prevent adverse environmental impacts related to increased wastewater generation from the proposed action at Dragon Springs, which is expected to increase by over 440% from 18,4000 gpd to 100,000 gpd, is entirely inadequate, lacks essential information, design calculations, drawings, design specifications, and operation and maintenance descriptions. The contents of the FEIS are entirely inadequate for the Planning Board as lead agency, other regulatory agencies, and the public to determine if the proposed mitigation measures will be effective to prevent adverse environmental impacts from the proposed increase in wastewater generation from Dragon Springs. Furthermore, the FEIS does not contain the contents required by the Scoping Document related to wastewater management and does not meet the requirements of SEQOR contained in NYCRR 617.9.

The FEIS and its associated Plans and Wastewater Treatment System Capacity Analysis lack essential wastewater collection, conveyance, and treatment system plans and include no design details, calculations, drawings, or other relevant analyses for the proposed WWTP, the proposed collection and conveyance system, and the proposed drip-line SSDS.

As detailed in Section 3.4 of the Wastewater Treatment System Capacity Analysis, “The detailed design of the wastewater treatment plant expansion will be developed following receipt of the draft SPDES permit and confirmation of the applicable permit requirements.”

⁴² Plans, Sheet C-1.

⁴³ Plans, Sheet C-4.

⁴⁴ WW Treatment System Capacity Analysis.

⁴⁵ USEPA, Types of Septic Systems, May 4, 2026, <https://www.epa.gov/septic/types-septic-systems#dripdistribution>. Accessed September 29, 2026.



The Plans contain no drawings or design details and specifications for the proposed piping network and pump stations necessary to collect and convey wastewater to the proposed WWTP.

The Plans contain no drawings or design details and specifications for the proposed expanded WWTP.

There are no descriptions, details, design calculation, proper soil deep test pit and percolation test results, or design drawings related to the proposed drip-line SSDS to ensure it will be designed in accordance with the applicable regulatory guidance in the March 5, 2014, NYSDEC New York State Design Standards for Intermediate Sized Wastewater Treatment System.

The FEIS does not contain adequate information required by the Planning Board approved Scoping Document related to wastewater collection, conveyance, and treatment at Dragon Springs:⁴⁶

- descriptions of the proposed systems to collect, convey, and treat wastewater
- provision of a map of the proposed wastewater collection, conveyance, and treatment system, including system type, size of components, and discharge locations
- descriptions of administrative issues, including wastewater collection, conveyance, and treatment system maintenance, sampling and reporting

The FEIS fails to meet the content requirements of NYCRR 617.9 under SEQR, including:

- the relevant and material facts upon which a lead agency or regulatory agency is to make a decision related to the proposed action⁴⁷
- analysis of the significant adverse environmental impacts from a proposed action reasonably anticipated to occur that have been identified in the scoping document and evaluation of all reasonable alternatives to mitigate them⁴⁸
- descriptions of mitigation measures⁴⁹

FEIS Content - Stormwater Collection, Conveyance and Treatment

Stormwater generation and the potential for stormwater related pollution resulting from Dragon Springs will increase considerably from existing conditions as a result of the proposed disturbance of approximately 50 acres and creation of approximately 15 acres of new impervious area.

⁴⁶ Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, D. Wastewater Management.

⁴⁷ Part 617.9.(b) EIS Contents, 617.9.(b)(7) and 617.9.(b)(8).

⁴⁸ Part 617.9.(b) EIS Contents, 617.9.(b)(1) and 617.9.(b)(2).

⁴⁹ Part 617.9.(b) EIS Contents, 617.9.(b)(5)(iv).



Stormwater Discharges

Stormwater discharges from Dragon Spring currently discharge to the Basher Kill, a tributary to the Basher Kill, and ultimately the Neversink (hereafter collectively, “Receiving Waters”), with areas in the western portion of the property draining to the west.^{50,51,52}

In order to prevent adverse impacts to the Receiving Waters as a result of stormwater runoff during construction and after construction is completed at Dragon Springs, an adequate stormwater pollution prevention plan (“SWPPP”), inclusive of an E&SC Plan during construction activities and post-construction stormwater management plan meeting the requirements of the GP-0-25-001 and best engineering practices and standards in the stormwater management and treatment industry must be developed and properly designed, implemented, and maintained into perpetuity. GP-0-25-001 currently relies upon the guidance and standards contained in the 2024 SWMDM, March 31, 2017, NYSDEC Maintenance Guidance Stormwater Management Practices, and November 2016 New York State Specifications for Erosion and Sediment Control (“Blue Book”) for technical guidance in post-construction stormwater management and treatment, post-construction SMP operation and maintenance, and E&SC design, construction and maintenance during construction activities.

CEAPC Comment 2: The SWPPP, the FEIS, and the Plans contain contradictory or inadequate information regarding the post-construction SMPs that are proposed at Dragon Springs and lacks essential information, including soil testing results and data, drawings, and design specifications. The FEIS clearly contains inaccuracies and lacks critical information that make it entirely inadequate for proper review by the Planning Board as lead agency, regulatory agencies, and the public and that require submission of a revised FEIS.

Proposed Post-Construction SMPs at Dragon Springs and Inconsistencies in FEIS and Associated Documents

Proposed post-construction SMPs at Dragon Springs to treat stormwater flows and attenuate peak flows in accordance with the requirements of GP-0-25-001 and the 2024 SWMDM include:

- sand filters
 - There is a contradiction between the Plans, FEIS, and the SWPPP regarding the number of proposed sand filters at Dragon Springs. The SWPPP discusses and contains design calculations for two sand filters.⁵³ The FEIS discuss use of two

⁵⁰ Plans, Sheets C-1, C-2, and C-3.

⁵¹ SWPPP, Drainage Map Pre-Development Condition and Drainage Map Post-Development Condition.

⁵² FEIS, page 42.

⁵³ SWPPP, pages 8 – 9 and Appendix C – Water Quality Calculations.



sand filters.⁵⁴ The Plans show three sand filters proposed as part of the proposed action.⁵⁵

- infiltration basin^{56,57}
- lakes to serve as a stormwater detention ponds (an existing lake and a proposed lake)^{58,59,60}
- constructed wetlands⁶¹
- stormwater planters
 - There is a contradiction between the Plans, FEIS, and SWPPP regarding the number of proposed stormwater planters at Dragon Springs. The SWPPP and FEIS contains no discussion or design calculations for stormwater planters. The SWPPP specifically identifies that an area of “0” acres will drain to stormwater planters.⁶² The Plans show three proposed stormwater planters as part of the proposed action, two for treatment of stormwater from the proposed Parking Garage A and one for treatment of stormwater from the proposed Music Hall.⁶³

Proposed green stormwater infrastructure (“GSI”) includes:

- tree planting
- rooftop disconnection

Critical Soil Data Missing from SWPPP and FEIS

The types of soils on Dragon Springs, the hydrological soil groups (“HSG”) they are comprised of and their infiltration rates as determined in accordance with the requirements of the 2024 SWMDM are critical data for the proper design of post-construction SMPs, such as the proposed infiltration basin, and compliance with NYSDEC-required Runoff Reduction Volume (“RRv”).

The SWPPP and the FEIS do not contain the following essential soil data:

- deep test pits in the proposed location of the infiltration basin^{64,65}

⁵⁴ FEIS, page 29.

⁵⁵ Plans, Sheet C-1.

⁵⁶ FEIS, page 45.

⁵⁷ SWPPP, page 9.

⁵⁸ SWPPP, pages 9 -10.

⁵⁹ FEIS, page 30.

⁶⁰ Plans, Sheet C-1.

⁶¹ FEIS, page 45.

⁶² SWPPP, Appendix C – Water Quality Calculations, Source Control WQv Treatment Practices Worksheet.

⁶³ Plans, Sheet C-1.

⁶⁴ 2024 SWMDM, page 6-40, 6-41, and Appendix D.

⁶⁵ GP-0-25-001, Part III.B.2.e.iv.



- infiltration testings in the proposed location of the infiltration basin in accordance with the specific NYSDEC procedure and requirements contained in Appendix D of the SWMDM^{66,67}
- Table 1 of the SWPPP contains a list of soil types and their hydrologic soil group (“HSG”).
 - 9 of the soil types are HSG D soils, the HSG with the *slowest* infiltration rate
 - 1 of the soil types are HSG C soils, the HSG with the *second-slowest* infiltration rate.
 - The FEIS contains the relative percentages and soil characteristics for only seven soil types, contradicting the contents of Table 1 of the SWPPP.⁶⁸
 - Nowhere in the SWPPP is the area each soil group comprises in the proposed disturbed area as part of the proposed action at Dragon Springs, including Table 1 or the SWPPP drainage maps.
- The minimum RRV required to comply with the 2024 SWMDM and GP-0-25-001 is calculated in the SWPPP based on a the proposed impervious area consisting of 7.98 acres of HSG C soils and 7.02 acres of HSG D soils. There is no table, maps or other information in the SWPPP or FEIS that identifies the HSGs of the proposed impervious areas of the proposed action at Dragon Springs to verify the areas used in the minimum RRV calculation.
 - Even if the HSG types of the proposed impervious area can be identified through examination of the HydroCad model runs contained in Appendix B of the SWPPP, the SEQR requirements for the contents of an FEIS requires that it is prepared in concise, clear, and plain language that can be read and understood by the public.⁶⁹

NYSDEC-Required 6-Step Planning Process

The proposed stormwater management plan and SWPPP prepared for the proposed action at Dragon Springs does not contain, and appears to not have been developed, in accordance the 6-Step Planning Process detailed in the 2024 SWMDM and required by NYSDEC.⁷⁰

⁶⁶ 2024 SWMDM, page 6-40 and Appendix D.

⁶⁷ GP-0-25-001, Part III.B.2.e.v.

⁶⁸ FEIS, pages 24 and 25.

⁶⁹ Part 617.9.(b) EIS Contents, 617.9.(b)(2).

⁷⁰ 2024 SWMDM, Section 3.6, pages 3-9 – 3-14.



CEAPC Comment 3: The SWPPP, the FEIS, and the Plans are missing essential and critical E&SC Plan drawings, design details, construction sequencing, and operation and maintenance details and notes, making it entirely inadequate for proper review by the Planning Board as lead agency, regulatory agencies, and the public and that require submission of a revised FEIS.

The SWPPP and FEIS contain discussions of an E&SC Plan to be implemented during construction; however, the Plans do not contain essential E&SC Plan elements required by GP-0-25-001 and the Scoping Document.^{71,72}

The Scoping Document requires that the FEIS contains an E&SC Plan inclusive of a maintenance and inspection schedule during construction.⁷³

GP-0-25-001 requires numerous E&SC Plan elements not included in the FEIS, SWPPP, or Plans, including, but not limited to:⁷⁴

- phasing and sequencing plans for all construction phases that addresses clearing and grubbing, excavation and grading, utility and infrastructure installation, final stabilization, and any other construction activity as part of the proposed action.
- schedule for implementation of E&SC best management practices (“BMP”)
- construction details for all E&SC BMPs containing dimensions, material specifications, installation details and operation and maintenance requirements
- design and sizing for proposed sediment basins

CEAPC Comment 4: The SWPPP, the FEIS, and the Plans are missing essential and critical post-construction SMP construction details and operation and maintenance details and notes, making it entirely inadequate for proper review by the Planning Board as lead agency, regulatory agencies, and the public and that require submission of a revised FEIS.

The SWPPP and FEIS contain discussions and the SWPPP contains design calculations of post-construction SMPs proposed at Dragon Springs; however, the Plans do not contain essential SMP design details, construction and installation details, and operation and maintenance notes required for complete and proper review by the Planning Board, regulatory agencies, and public.^{75,76}

⁷¹ FEIS, pages 45 – 47.

⁷² SWPPP, pages 10 – 16.

⁷³ Scoping Document, Section III. Existing Conditions, Potential Impacts, and Proposed Mitigation Measures, E. Stormwater Management.

⁷⁴ GP-0-25-001, Part III.B.1.

⁷⁵ FEIS, pages 43 – 45.

⁷⁶ SWPPP, pages 7 – 10.



Conclusion

As a result of its evaluation of the potential adverse Environmental Impacts and proposed mitigation measures related to wastewater and stormwater generation, collection, conveyance, and treatment contained in the FEIS for the proposed action on Dragon Springs, CEAPC has determined that the FEIS is entirely inadequate to properly mitigate the potential for numerous significant adverse Environmental Impacts associated with the proposed action at Dragon Springs and does not comply with the requirements of Section 617.9 of the NYCRR, which sets forth the criteria and requirements for the preparation and content of EIS under SEQR.

Based on the inadequate and contradictory content of the FEIS for the proposed action at Dragon Springs as detailed in this Technical Memorandum, the Planning Board as lead agency and the responsible entity to ensure the adequacy and accuracy of the FEIS cannot approve the FEIS. The Planning Board must require submission of a revised FEIS containing all of currently missing, required content described in this Technical Memorandum, containing all of the information required by the Scoping Document, and fully complies with SEQR requirements.

Sincerely,



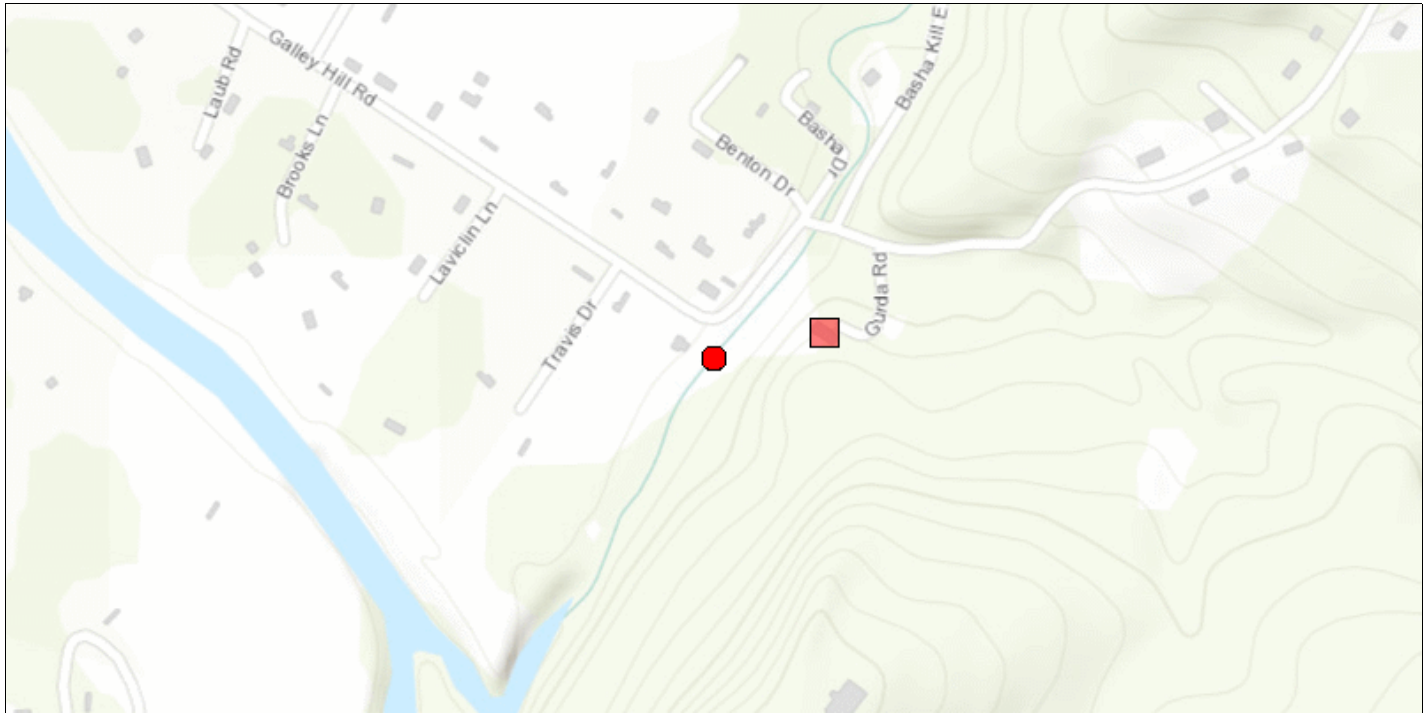
Kevin Draganchuk, P.E., BCEE
CEA Engineers, P.C., President



Attachment A



Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 534199.8394240853

Northing: 4589094.804200892

Longitude/
Latitude

Longitude: -74.59053825334922

Latitude: 41.45271618281366

The approximate address of the point you clicked on is:

112 Galley Hill Rd, Cuddebackville, New York, 12729

County: Orange

Town: Deerpark

USGS Quad: OTISVILLE

Waterbody Classifications for Rivers/Streams

Regulation: 815-45

Standard: C

Classification: C

303D River and Stream Construction

Waterbody Name: undefined

PWL ID: undefined

Basin: undefined

Description: stream and selected tribs from mouth to Westbrookville

Natural Communities in the Vicinity

Natural Community Name: Hemlock-northern hardwood forest

Location: Shawangunk Mountains

Significance: High Quality Occurrence of Uncommon Community Type

Natural Community Name: Floodplain forest

Location: Neversink River

Significance: High Quality Occurrence of Rare Community Type

Rare Plants and Rare Animals

This location is in the vicinity of Rare Freshwater Mussels – Not Listed by NYS

This location is in the vicinity of Bats Listed as Endangered or Threatened -- Contact NYSDEC Regional Office

This location is in the vicinity of Mussels Listed as Endangered or Threatened - Contact NYSDEC Regional Office

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

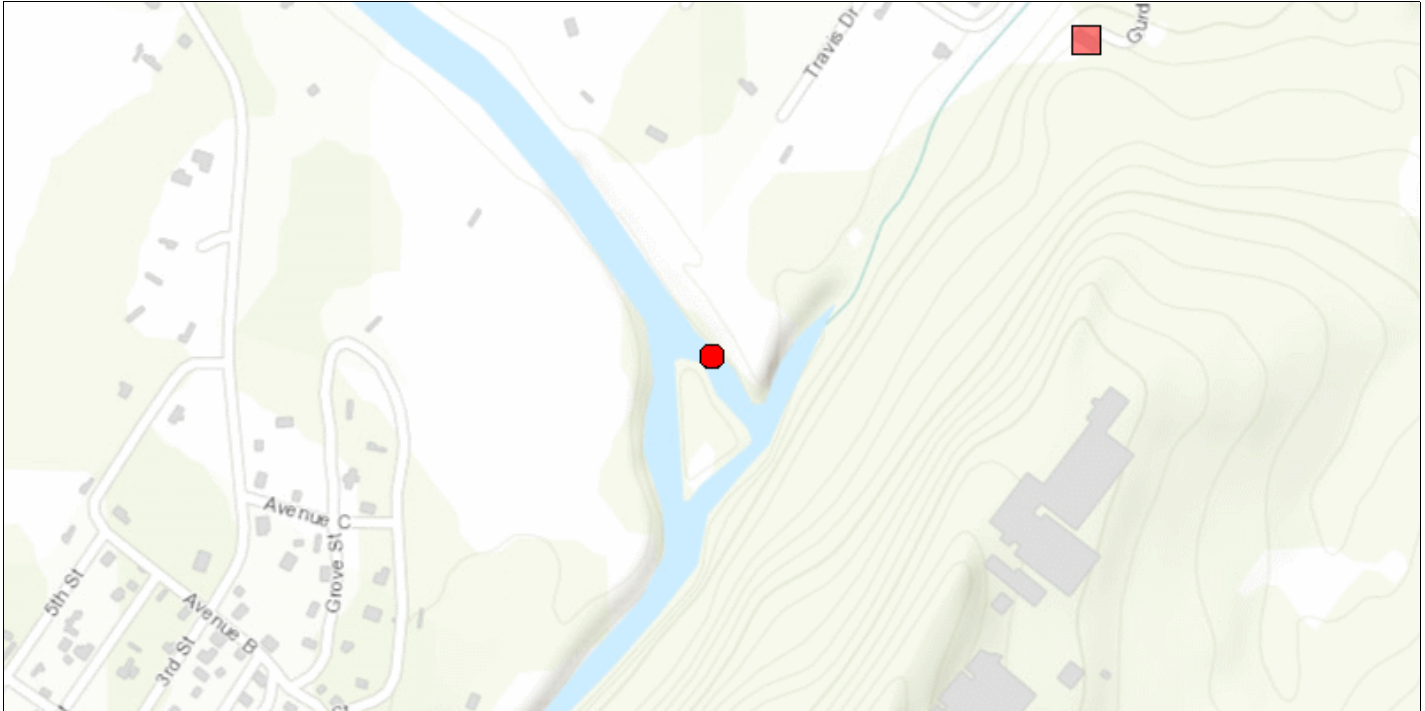
The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

Print Preview

Environmental Resource Mapper



The coordinates of the point you clicked on are:

UTM 18

Easting: 533934.1725146545

Northing: 4588800.723696567

**Longitude/
Latitude**

Longitude: -74.59373544649506

Latitude: 41.45007858696344

The approximate address of the point you clicked on is:
12729, Cuddebackville, New York

County: Orange

Town: Deerpark

USGS Quad: OTISVILLE

Waterbody Classifications for Rivers/Streams

Regulation: 815-4

Standard: B(T)

Classification: B

303D River and Stream Construction

Waterbody Name: undefined

PWL ID: undefined

Basin: undefined

Description: from near Myers Grove to Bridgeville

Significant Natural Communities

Natural Community Name: Floodplain forest

Location: undefined

Significance: High Quality Occurrence of Rare Community Type

Natural Communities in the Vicinity

Natural Community Name: Hemlock-northern hardwood forest

Location: Shawangunk Mountains

Significance: High Quality Occurrence of Uncommon Community Type

Natural Community Name: Floodplain forest

Location: Neversink River

Significance: High Quality Occurrence of Rare Community Type

Rare Plants and Rare Animals

This location is in the vicinity of Rare Freshwater Mussels – Not Listed by NYS

This location is in the vicinity of Rare Dragonflies and Damselflies – Not Listed by NYS

This location is in the vicinity of Bats Listed as Endangered or Threatened -- Contact NYSDEC Regional Office

This location is in the vicinity of Mussels Listed as Endangered or Threatened - Contact NYSDEC Regional Office

National Wetlands Inventory

Attribute: undefined

Type: undefined

Acres: undefined

For more information about the National Wetlands Inventory wetlands visit <http://www.fws.gov/wetlands/>

If your project or action is within or near an area with a rare animal, a permit may be required if the species is listed as endangered or threatened and the department determines the action may be harmful to the species or its habitat.

If your project or action is within or near an area with rare plants and/or significant natural communities, the environmental impacts may need to be addressed.

The presence of a unique geological feature or landform near a project, unto itself, does not trigger a requirement for a NYS DEC permit. Readers are advised, however, that there is the chance that a unique feature may also show in another data layer (ie. a wetland) and thus be subject to permit jurisdiction.

Please refer to the "Need a Permit?" tab for permit information or other authorizations regarding these natural resources.

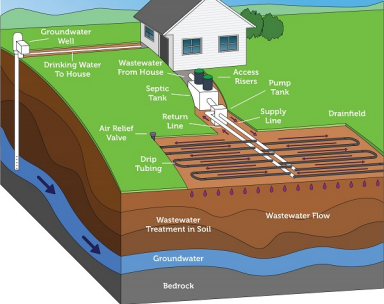
Disclaimer: If you are considering a project or action in, or near, a wetland or a stream, a NYS DEC permit may be required. The Environmental Resources Mapper does not show all natural resources which are regulated by NYS DEC, and for which permits from NYS DEC are required. For example, Regulated Tidal Wetlands, and Wild, Scenic, and Recreational Rivers, are currently not included on the maps.

Print Preview

Attachment B



Drip Distribution Septic System



Please note: Septic systems vary. Diagram is not to scale.