

Town of Kingston Planning Board  
Sawkill Road, Kingston, NY 12401

Date 04/15/2019

Re. Concerns with 850 Route 28 LLC Construction and Operation (the "Project")

Dear Planning Board

I live at 55 Waughkonk Road, a neighboring property to the Project. I attended the last Planning Board meeting in March, and offer the within letter to supplement my continuing objection and concerns about the Project, this Board's analysis of the information provided, and the premature Negative Declaration.

Noise Study dated February 2019

1. Page 5 of the report notes that equivalent sound level measured at logging stations 11-14 during the day periods (8:30am to 12:30pm). This data was supplied but the monitoring results of the front end loader loading shot rock into a tractor trailer between 12:26pm-1:50pm was not provided. This information should be in the report and your analysis. The report also contains a small graph which is very hard to read noting times from prior to 12:00pm -2:00pm. It should reflect the template used in the ambient background report.
2. One minute reading on the data collection seems to be long in duration. I would like to see what seconds would look like. One minute reading may not take into account the higher db levels and/or is used to average out the peak noise.
3. An actual site DB reading should be provided for the following on site equipment; material crusher, mobile batch plant and a tractor trailer, going up and down the inclined roadway between proposed buildings. A dozer with the blade running across bedrock and a sample blasting readings should be taken and recorded to understand what the residence will hear, as well as any other outside equipment that will be used during the construction and operation of the proposed plants.
4. The report does not note where the front end loader loading into the tractor trailer was in relation to the logging stations. That should be noted on the drawing showing distances to residence.

5. If this work is approved to proceed after issues noted in this letter are satisfactory, I would like to see sight monitoring at residence houses during the duration of the phase I and phase II work and made available to residence or reported at monthly town planning board meetings.
6. We need an Order and action plan whereby work will stop when sound levels are exceeded.
7. The SEQRA report was premature and incomplete. We also need a copy of all reports and analysis.

#### **Traffic Assessment** dated November 8 2018

1. Mobile batch plant and crusher plants are located outside the buildings. This will be a severe noise concern. Block wall around the plants should be installed to reduce noise impact to residence.
2. There will be over 42 tractor trailer a day in and out of this site plus worker vehicles. I was told only 2-3 per day at the March Planning Board meeting. Thus needs to be addressed.
3. The study does not take into account of the construction traffic. What will that look like as they will have construction vehicle working through both phases and during the start up and running of phase one plant operation?
4. We need high barriers on the inclined road that goes between the buildings to mitigate the sound of truck traffic.
5. Proposed operation hours of 24/7 has not been approved as far as I know. What sounds other than tractor trailers be generated? We need to restrict hours of operation to eight hours maximum with no weekend or Holiday work.

#### **Blasting Plan** dated January 2019

1. What is the duration of blasting work? Will they blast one day a week and remove material the rest of the week? Need to understand what the durations of blasting will be and how often? An actual Blasting Plan should be submitted for review.
2. Vibration limiting criteria, as well as, db level limits will need to be understood and monitoring provide for review. Where are the monitoring locations?

3. Who will pay for damages to existing housing in the area and how will that be mitigated?
4. When will the final plan be presented to the public for review and comment?

**Negative Declaration** adopted March 18, 2019

1. Voting of this declaration must have been after the residents left. Why?
2. Page 6 notes that the 48.0db readings are within residence noise levels, based on Noise report. The Noise Report does not take into account those items listed above that should be taken at the site to better understand the impacts to residence.
3. How will we know if the proposed mitigation measures are enough without actual readings taken on all equipment? We need to schedule intermittent reviews.
4. The 2 gallons per hour requirement of water for the operation of this site is a concern. What impact will be on residence wells, and local aquifer? How will future well issues be resolved?

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All of the above concerns need to be addressed in writing by the applicant and resolved by this Board and any related town boards. Indeed, the Negative Declaration and the Town's seeming disregard of the impacts of the Project have and/or may render the decisions deriving from this process arbitrary and capricious and/or not supported by substantial evidence.

I look forward to the Board's consideration of and appropriate written response to the above concerns.

Sincerely



Steve Malloy

cc. John T. Shaban, Esq.