

October 16, 2023

Mr. Bruce Flower, Chairman
Town of Wappinger
Planning Board
20 Middlebush Road
Wappingers Falls, New York 12590

**RE: Obercreek Farm Brewery & Tasting Room Project
Site Plan, Special Use Permit & Wetland Disturbance Permit Applications
81 New Hamburg Road, Wappingers Falls, New York 12590**

Dear Chairman Flower,

The Applicant for the above-referenced project is in receipt of comment letters issued by the Board's consultants. The plan set and project Stormwater Pollution Prevention Plan (SWPPP) have been revised in response to Planning Board feedback and consultant comments and a point-by-point response to each of the comments received is provided below:

Clark Patterson Lee Review Letter, dated August 26, 2023:

SEORA:

1. *D.2.J. Indicates that the action will result in a substantial increase in traffic. We repeat our comment: ITE values for trip generation should be provided. A traffic study showing levels of service for the entrance and exit, as well as the effects on nearest intersections may be necessary (we defer to the Town Planner on this issue).*

Response: ITE traffic generation values are provided in Section 2.3 of the FEAF. As discussed at the September 6, 2023 Planning Board meeting, these trip generation calculations indicate no significant adverse impact to traffic and a traffic study is not required.

2. *E.3.e,.f. The Applicant acknowledges that NYSOPRHP sign off will be sought. This should be included in the SWPPP.*

Response: Comment noted. The NYSOPRHP sign off will be provided in the SWPPP once it has been obtained. SHPO has requested the completion of a Phase 1A/1B archeological study and has made comments related to the existing barns related to proposed architecture and historic preservation. The initial SHPO coordination letters have been included attached and will be responded to under separate cover by the project archeologist and architect.

Plans:

3. *The applicant has asked for a waiver for the requirement to place boulders, or other means acceptable to the Planning Board to delineate the wetland buffer.*



Response: As discussed at the September 6, 2023 Planning Board meeting, the Board granted the waiver of the requirement to place boulders along the wetland buffer, given the existing use as a farm field. They will continue to be proposed in front of the ADA parking spaces within the wetland buffer.

4. *The applicant indicates that a meeting with the Hughsonville Fire Department to gain approval of the emergency access was requested. The applicant indicates that a submission will be made to CAMO and the fire hydrant location will be agreed upon. Hughsonville Fire Department and CAMO approval should be provided when available.*

Response: The Hughsonville Fire Department requested that the fire hydrant be relocated and a second hydrant provided. The Water Service Connection Plan (C161) has been revised accordingly and resubmitted to the Fire Department for review and approval. Submission to CAMO will be made under separate cover as well for review/approval of the proposed municipal water connection.

5. *(blank)*
6. *Sight distance for the exit and for an east bound vehicle turning into the entrance are shown. The applicant indicates that the sight distances were approved by DCDPW. DCDPW approval should be submitted.*

Response: The DCDPW plan approval email has been provided attached.

7. *An end section and invert of the 24" pipe into CB 4 should be shown. Some regrading of the swale along New Hamburg Road to direct water to the end section should be shown. All pipe downstream of this 24" pipe is 12". Pipe sizes should be clarified. The approximate 6' extension of the end section in the entrance to the Eastern parking area puts it at the edge of pavement and the invert is about 2' below grade. The pipe should be extended further and an end section should be shown.*

Response: Additional information regarding the referenced 24" pipe has been provided on the Grading & Drainage Plan (sheet C140) and SWPPP narrative. The existing culvert across New Hamburg Road has been shown to clarify this is a proposed pipe extension and not a new end section. The existing 24" culvert across New Hamburg Road is in the location of a historic cattle crossing that was backfilled. The pipe is greatly oversized relative to the area tributary to it.

8. *Stone outfall protection should be shown at all end sections.*

Response: Stone outfall protection has been shown at the proposed end section.

9. *Are the retaining walls west of the brewery and south of the tasting room existing or proposed? It appears that some of the walls are over 4'. Details and calculations for the walls sealed by a NYSPE should be submitted if they are proposed.*

Response: The referenced retaining walls are existing. The plans have been revised to provide additional clarity.

10. *Portions of the exit drive exceed 10% slope. Regrading to lessen the slope should be*



considered. Spot elevations to show how the exit to New Hamburg Road will drain should be shown.

Response: Additional spot grades have been added at the exit to New Hamburg Road to show how it will drain. The slope of the exit drive has been reduced to 10%. The exit drive grade has been set to match existing grades to the greatest extent practicable in order to minimize grading impacts to the existing farm field and to keep disturbances related to the parking areas outside the 100' wetland buffer.

SWPPP:

11. Please provide clarification of existing and proposed cover types for the following areas:
- All courtyard areas that are adjacent to the buildings;
 - Former gravel areas adjacent to the existing 'farm stand' structure;
 - Please provide information in the narrative or on the drawing plans related to the cover type of the 'land banked parking'. Is this area and its related sidewalk included in the water quality calculations (if they are impervious)?

Response: Referenced cover types have been clarified/labeled on the Pre- and Post-Development Watershed Maps (Figures A5 & A6).

12. The report narrative (pg. 4) indicates that the delineated wetlands on the project site are federally regulated wetlands. The Post-Development Watershed Map (FIG A6) appears to indicate re-grading contours around the 'existing infiltration aquatic feature'.
- Please confirm/clarify that this re-grading and subsequent additional storage volume of will not negatively impact the wetland area within the 'existing infiltration aquatic feature.'
 - The area to be re-graded should also be included in the area of disturbance for both the site plans and relevant calculations.

Response: No re-grading is proposed at the aquatic resource feature. What was displaying as proposed contours on the previous map was a tracing of the existing contours in order to calculate contour surface area for the hydraulic modeling. This linework was not intended to be displayed. The Post-Development Watershed Map has been revised accordingly.

13. Outlet protection should be provided at all pipe outlets to prevent erosion from negatively impacting the 'existing infiltration aquatic feature' and the wetlands on site. Please provide note(s) on relevant plan drawings.

Response: Outlet protection has been provided at the proposed end section and callout/detail provided.

14. If the 'existing infiltration aquatic feature' is to be considered suitable for stormwater quality and quantity features, further information needs to be provided:
- Borings/test pit information to determine if the groundwater level and/or the bedrock depth will have significant impact on the design of the existing feature;
 - Confirm/clarify that the 'existing infiltration aquation feature' will not be impacted by seasonal changes in water table;
 - Similarly, does the wetland area within the bounds of the feature have standing water?



If so, the area should not be included in the infiltration basin surface area calc.

Response: Deep soil test pits have been conducted and the additional soil testing information added to the project SWPPP both in the appendices with the falling head permeability testing results and within the descriptions of analysis point 1 in the report narrative (Section 2.13).

15. Please correct several features on the erosion and sediment control plan:

- a. Silt fence should only be shown running parallel to contours (to prevent channelization and erosion)

Response: The silt fencing has been revised to provide fencing only parallel to contours. Additional orange construction fencing has also been provided where the limits of the wetland buffer are not parallel to the contours.

- b. Consider including multiple stabilized construction entrances appropriate to phasing/parking lot work of project; scale or provide dimensions for stabilized construction entrances on plan drawing;

Response: As the existing site driveway is gravel, it's not anticipated that a separate construction entrance will be required to improve the site entrance as proposed. Additionally, only 1 phase of construction is anticipated. Therefore, only the 1 construction entrance is proposed for the project. The proposed construction entrance has been widened to the full proposed drive width. Dimensions for the proposed stabilized construction entrance have been provided on the revised Erosion and Sediment Control Plan (C150).

- c. Include erosion and sediment control features for any/all re-grading work near the 'existing infiltration aquatic feature';

Response: See previous response related to the existing infiltration aquatic feature. No re-grading work is proposed at this location- therefore, no erosion and sediment control features have been added to sheet C150 at this location.

- d. Include erosion and sediment control features and area of disturbance limits related to the proposed 'subsurface sewage disposal' work of the project.

Response: Erosion and sediment control features have been added to the area of the proposed subsurface sewage disposal field. See revised sheet C150.

16. There appears to be significant portions of the proposed site that will feed the 'existing infiltration aquatic feature' that do not receive pre-treatment. Please clarify the following:

- a. Provide fine grading or other indication on how the parking lots will feed into the proposed catch basins; currently, it appears that only a portion of the parking lots and travel lanes will flow into the catch basins and consequently into the hydrodynamic separator;



Response: Additional grading detail/spot grades have been added to the Grading and Drainage Plan (in addition to rerouting the trench drain and providing edging to direct runoff in portions of the parking areas and drive aisles) to increase the amount of area pretreated within the hydrodynamic separator and relying on the existing grass filter strip for less of the site pretreatment. The amount of impervious area tributary area pretreated by the hydrodynamic separator now exceeds 100% of the new impervious plus 25% of the existing disturbed impervious areas.

- b. Provide indication and/or add features to ensure that the area of disturbance near the existing building and proposed surface improvements will receive pre-treatment prior to flowing into the 'existing infiltration aquatic feature.'

Response: The existing building will continue to drain to the 'existing infiltration aquatic feature' via sheet flow through the grass filter strip (the farm fields) located between the existing building and the aquatic feature. The proposed project is a redevelopment project with an increase in impervious area of 40,188 sf and existing disturbed impervious area of 13,130 square feet. As the existing aquatic resource feature acts as an infiltration practice (standard practice with RRv capacity), the project is also required to provide treatment (and associated pretreatment) for 25% of the existing disturbed impervious area. Therefore, the total impervious area requiring pretreatment is 43,471 square feet. The impervious area tributary to the hydrodynamic separator is now 44,526 sq ft, as the trench drain has been redirected towards the hydrodynamic separator and an additional catch basin has been added to the lower parking area. Edging has also been provided in portions of the lower parking area and drive aisle in order to direct additional proposed impervious surfaces into the proposed drainage collection system tributary to the hydrodynamic separator.

- c. Include cutsheet/documentation of the proposed hydrodynamic separator.

Response: Additional drainage details, including one for the proposed hydrodynamic separator, have been provided in the new Stormwater Details sheet. Inspection & maintenance information has also been added to the SWPPP in Appendix G.

- 17. It is recognized that the preparer is in the process of obtaining this NYSOPRHP documentation. Per report narrative (Section 2.9 – Historic Places), please provide documentation prior to final submission.

Response: Comment noted. NYSOPRHP documentation will be provided within the SWPPP once it has been received.

- 18. Provide a description of the 24" pipe that appears to cross New Hamburg Road and connects to 'CB 4' in the narrative and/or on drawing plan(s):

- a. Is there a catchment area associated with this pipe?

Response: A description for this 24" pipe has been added within the SWPPP and additional callouts & information added to the Grading & Drainage Plan for clarity.



There is a limited catchment area associated with this pipe, which has been included in the revised hydraulic models and pipe sizing.

- b. Does the 24" feed into a proposed downstream 12" pipe? In general, provide backup that all pipe routing will handle flows intended.

Response: Yes, the 24" pipe feeds into a 12" pipe, as the 24" pipe is greatly oversized. Pipe sizing calculations have been prepared for the proposed stormwater conveyance pipes and provided in Appendix C of the SWPPP. The pipes with the largest subcatchment area and/or smallest diameter on any given run have been analyzed. For any pipes with less tributary area and greater slopes and with the same diameter, it can be concluded that they are therefore similarly adequately sized.

Hardesty & Hanover review letter, dated August 29, 2023:

Review Comments:

1. Wetlands. *The proposed action will infringe upon the 100-foot wetland buffer boundary line. A Town Wetland Disturbance permit has been requested by the Applicant.*

Response: Comment noted.

2. Lot Line Re-Alignment. *The Project Site is currently in final lot line adjustment approval review as a part of another application and the submitted plans are designed with the assumption of that approval. Any approval of the Proposed Action must be conditioned on the approval of that lot line adjustment or the submitted plans to be revised.*

Response: Comment noted.

3. Parking.
 - a. *The parking calculations have been revised and show 9 parking spaces required for the existing farm stand and 72 parking spaces required for the proposed brewery and tasting room for a total of 81 parking spaces. The Applicant has proposed 83 parking spaces with 15 of those 83 parking spaces proposed as land banked parking. Any deviation from the required parking calculation requires a parking waiver from the Planning Board as per §240-97.A.*

Response: Comment noted. As currently proposed, no parking waiver is required.

- b. *The Parking plan should label and demonstrate a consistent angle in the angled parking area. As currently shown, the angles vary from 55-62 degrees. With the assumption of 60-degree angled parking, the overall width of the parking area is appropriate at 52 feet. However, that width relies upon a drive aisle width of 14 feet. The drive aisle as proposed is 17.5 feet in width resulting in shorter parking stalls than recommended (17.3 feet instead of 19 feet). The drive aisle width should be adjusted, and the turning templates rerun, or the angled parking area should be widened.*

Response: The parking area has been revised to include dashed parking stripes and additional dimensions to demonstrate consistent and adequate parking space and drive aisle dimensions. All wheel stops have been rotated to a consistent 60-degrees.



And the overall parking area width has been increased from 52 feet to 54 feet to better accommodate delivery truck maneuvering with a 16-foot drive aisle. A callout has also been added clarifying that the dashed lines are for parking area dimension & layout plan review and are not to be painted as part of the parking area construction.

4. Lighting. The plans show what are labeled as W1 or the 'Outdoor LED Vapor Tight Wall Mount'. These luminaires do not show their BUG rating and are listed as 4000k in color temperature. The color temperature should not exceed 3000k and a BUG rating should be provided.

Response: The previously proposed W1 fixture is not available with 3000K color temperature. Therefore, the W1 fixtures has been replaced with a new fixture. This new fixture's BUG rating has also been provided.

5. SEQRA. The Application is considered to be a Type 1 Action with regard to SEQRA as it proposes the expansion of existing nonresidential facilities and includes the rehabilitation and reuse of two historic buildings in the Wheeler Hill Historic District.
 - a. Historic District and Building. The Applicant should reach out to the New York State Historic Preservation Office for their review of the proposed rehabilitation and reuse of historic structures. All communications with the New York State Historic Preservation Office should be forwarded to the Town for the record.

Response: Project submission was made to NYSOPHP through the CRIS website and they have requested the completion of a Phase 1A/1B archeological study and made comments related to the existing barns related to proposed architecture and historic preservation. The initial SHPO coordination letters have been included attached and will be responded to under separate cover by the project archeologist and architect.

- b. Endangered and Threatened Species. The NYSDEC Environmental Resource Mapper shows the known occurrence of endangered or threatened species on the Site, including the Bald Eagle, Northern Long-eared Bat, Indiana Bat, Atlantic Sturgeon, and Shortnose Sturgeon. The Applicant should reach out to the New York Department of Environmental Conservation for additional information on mitigation measure, should they be required, and forward all correspondence with the NYSDEC to the Town for the record.

Response: NYSDEC has determined that tree removal shall be limited to the November 1-March 31 timeframe to avoid impacts to Northern Long-eared Bats and Indiana Bats. The tree clearing note on sheet G002 has been revised accordingly. Further, they don't anticipate any take of Endangered or Threatened species for the project and an Endangered and Threatened species permit is not required. This correspondence has been provided attached.

Public comments made at October 2, 2023 Public Hearing:

1. Comment related to what will happen to the existing brewery once the proposed brewery is operational.

Response: The existing brewery will be closed. There are no other immediate plans for the space the brewery currently occupies.



2. Comment related to a concern related to cars parking along Marlorville Road.

Response: The Applicant agrees the existing brewery has outgrown its current space and that is precisely the reason why the Applicant has proposed to move its operations to a new, larger space. The proposed brewery & tasting room will adhere to the Town's zoning requirements for number of parking spaces needed to support the proposed uses.

3. Comment requesting additional information related to outdoor music and associated noises.

Response: Outdoor acoustic music will continue to be provided during regular business hours and will continue to adhere to the Town noise ordinance.

4. Comment related to traffic concerns.

Response: ITE traffic generation values are provided in Section 2.3 of the FEAF. As discussed at the September 6, 2023 Planning Board meeting, these trip generation calculations indicate no significant adverse impact to traffic and a traffic study is not required.

5. Comment related to allowing the Applicant to propose another project when they have other outstanding projects in the vicinity of the project.

Response: Obercreek Development (not the current project Applicant) has sold 10 of the 12 building lots in the Obercreek Farm Subdivision. Obercreek Development holds the right to review and approve plans for new building. Once approval has been received, new owners select their own contractor and are responsible for all matters relating to permitting and construction.

The Applicant, Obercreek LP, owns other residences on Marlorville Road which are currently rented. Several of these residences are the subject of Lot Line Revisions which have been submitted to the Town for final signature. Once the Lot Line Revisions receive final signature and are recorded with the County Clerk, the Applicant intends to modernize the utilities. The work cannot take place prior to final signature and recording.

In addition to the comments responded to above, there were several comments made in support of the project, including the project's positive economic impact, role in creating enjoyable attractions for the area and comments related to the Applicant's communication, responsiveness and proactiveness related to past neighbor concerns and actions the brewery has taken to be, and to encourage its customers to be, responsible neighbors.



We look forward to discussing this matter at the next Planning Board meeting. If you have any questions or need anything further, please contact me at kahearn@labellapc.com or 845-454-3980.

Respectfully submitted,

Kyle Ahearn, PE
Senior Civil Engineer, Project Manager

Encl: Site Plan set, last revised 10/4/23
SWPPP, last revised October 2023
DCDPW plan approval email, dated 4/7/23
SHPO coordination letters, dated 8/23/23 & 9/15/23
NYSDEC ETR and Tree Clearing correspondence, dated 10/3/23

Ahearn, Kyle

From: Dutcavich, Mathew <mdutcavich@dutchessny.gov>
Sent: Friday, April 7, 2023 12:22 PM
To: Ahearn, Kyle; Trifilo, William
Cc: Monck-Zweck, Gabriel
Subject: RE: [Ext] RE: Obercreek Tasting Room DPW Applications 70608-02
Attachments: 01_01_DPW_C131_70608-02_TRAFFIC-C131.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Kyle,

As our comments have been addressed we find the submitted plan acceptable as it pertains to the County highway. When all approvals are in place and construction is ready to begin a highway work permit will be required from this office. I have attached the submitted plan to this email for clarity.

Please consider this email our acceptance. An acceptance on letterhead will not be sent.

Thanks,

Matt Dutcavich, P.E.
Director of Engineering
Dutchess County Dept. of Public Works - Engineering Division
626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2925 Fax: (845) 486-2940
Email: mdutcavich@dutchessny.gov

www.dutchessny.gov

From: Ahearn, Kyle <kahearn@LaBellaPC.com>
Sent: Thursday, March 30, 2023 12:52 PM
To: Trifilo, William <wtrifilo@dutchessny.gov>
Cc: Monck-Zweck, Gabriel <gmonck-zweck@LaBellaPC.com>; Dutcavich, Mathew <mdutcavich@dutchessny.gov>
Subject: RE: [Ext] RE: Obercreek Tasting Room DPW Applications 70608-02

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Hi Bill,

Given the timeline, I think just a Letter of Acceptance is what we're looking for at the moment. We've filled out the 3 applications and will hold on to those until we're further along with the DOH and Town. See the plan attached, revised as follows:

- Open cut water line trenching removed and now proposed as a directional drill
- Egress driveway widened from 16' to 18', as the applicant indicated they will be receiving deliveries from WB-40 trucks that needed a slightly wider driveway to exit

- There's a sight line easement on the property in the vicinity of the ingress driveway. It's been labeled and the screening bushes/parking area drive aisle pulled away from the right-of-way to stay outside of that easement area

Let me know if you'd like a hard copy (or copies) of this plan, have any questions or need anything else prior to issuance of the Letter of Acceptance.

Thanks!

Kyle Ahearn, PE

LaBella Associates | Senior Civil Engineer

845-486-1574 direct
845-325-4388 mobile
845-454-3980 office

From: Trifilo, William <wtrifilo@dutchessny.gov>

Sent: Monday, March 27, 2023 12:40 PM

To: Ahearn, Kyle <kahearn@LaBellaPC.com>

Cc: Monck-Zweck, Gabriel <gmonck-zweck@LaBellaPC.com>; Dutcavich, Mathew <mdutcavich@dutchessny.gov>

Subject: [Ext] RE: Obercreek Tasting Room DPW Applications 70608-02

Hi Kyle-

I would just like to mention, that the site plan approval you mentioned is with the Town and in situations like this the applicants have used our permits to compel a town to accept a site plan when the County is the only one with any concerns for the actions depicted on said plan.

So, we can accept all monies/application and issue permits (all permits are good for a minimum of one year and can be renewed)....but we can also give you a Letter of Acceptance for a plan for the towns review and after Town approvals are given, the applicant simply can apply for the permits at a later time.

On the plan submitted, please modify the plan to show that the water line crossing of our road will be via a bore and not an open trench as we discussed.

Here is the permit breakdown as per the plan submitted (no sewer line is shown on the plan please add if necessary and if so, would be a separate service connection permit).

There will be three permits required and the break-down is as per the Fee Schedule contained within the attached Dutchess County Highway Work Permit Application Package.

1. New exit;
-minor commercial specs, \$500 fee & \$3000 security
2. Existing access;
-minor commercial specs, \$200 fee & \$3000 security
3. Waterline connection;
-service connection (bore), \$200 fee & \$1500 security

All monies are payable to the "Dutchess County Commissioner of Finance " and must be submitted separately.

All fees can be submitted in the form of anything but cash.

All securities must to be submitted in the form of a certified check.

These monies along with the appropriate applications should not be submitted until any required approvals are given from the town...but we can issue our permits now (once you send a revised plan for the waterline bore)

and the boiler plate special conditions of the permit will mention that no work can proceed without required approvals.

Thank you very much.

-Bill

William J. Trifilo
Assistant Civil Engineer I
Engineering Division
Dutchess County Dept. of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603
Phone: (845) 486-2936 Fax: (845) 486-2940
Email: wtrifilo@dutchessny.gov

From: Ahearn, Kyle <kahearn@LaBellaPC.com>
Sent: Monday, March 27, 2023 11:07 AM
To: Trifilo, William <wtrifilo@dutchessny.gov>
Cc: Monck-Zweck, Gabriel <gmonck-zweck@LaBellaPC.com>
Subject: Obercreek Tasting Room DPW Applications 70608-02

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Hey Bill,

Thanks for meeting Gabe and me out in the field to discuss the Obercreek tasting room project. I received your voicemail re: the 3 applications (existing ingress driveway, proposed egress driveway and water service line crossing at New Hamburg Road).

Please see the plan attached for reference (same as what was last submitted). Could you please provide me a schedule of fees & security deposits required for the 3 applications, including when those fees are required to be paid? The applicant will be applying for site plan approval following DOH approval of the sewer/water & DPW approval of the driveway locations/utility crossing so this work is likely a number of months away from commencing.

Thanks!

Kyle Ahearn, PE
LaBella Associates | Senior Civil Engineer



845-486-1574 **direct**
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Poughkeepsie, NY 12601
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Ahearn, Kyle

From: Masi, Lisa M (DEC) <lisa.masi@dec.ny.gov>
Sent: Tuesday, October 3, 2023 12:33 PM
To: LoBrutto, Caren
Cc: Ahearn, Kyle; Micheline, Brittany; dec.sm.DEP.R3; dec.sm.Wildlife.R3
Subject: [Ext] Project Review RE: Obercreek Brewery Expansion - DEC Inquiry
Attachments: Fig5_DEC_ERM_Map.pdf; Fig1_Orthophoto_Tax_Map.pdf; Obercreek Brewery Expansion Site_Grading.pdf; CH# 8219 PJ - OBERCREEK PROPERTY - WAPPINGER - DUTCHESS COUNTY (002).pdf; 3-1356-00322_00001 (ETS) PJ 2nd Response.pdf

Hello Caren,

Thank you for your patience as we reviewed the information you provided. We would recommend that tree removal take place from November 1st to March 31st to avoid impacts to both Northern Long-eared bats and Indiana Bats.

To our knowledge, the location of the closest Bald Eagle nests remains the same as previously reviewed.

Based the above guidance, the information provided below and the previous review of noise associated with nesting Bald Eagles, we do not anticipate any take of Endangered or Threatened species for this project and an Endangered and Threatened species permit is not required.

This determination will remain valid for one year. If project plans change, additional review will be needed. If you have any comments or questions, please feel free to contact Lisa Masi at lisa.masi@dec.ny.gov or 845-256-2257.

This letter only speaks to the need for an Endangered and Threatened Species Permit and does not include information on any other required Department permits or jurisdictions.

Lisa

Lisa Masi

Senior Wildlife Biologist, Division of Fish and Wildlife

Pronouns: She/Her/Hers

New York State Department of Environmental Conservation

21 South Putt Corners Road, New Paltz, NY 12561

P: (845) 256-2257 | F: (845) 255-4659 | lisa.masi@dec.ny.gov

www.dec.ny.gov |  | 



From: LoBrutto, Caren <clobrutto@LaBellaPC.com>

Sent: Wednesday, August 23, 2023 3:56 PM

To: dec.sm.Wildlife.R3 <Wildlife.R3@dec.ny.gov>

Cc: Ahearn, Kyle <kahearn@LaBellaPC.com>; Micheline, Brittany <bmicheline@LaBellaPC.com>

Subject: Obercreek Brewery Expansion - DEC Inquiry

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hello,

Obercreek LP, is seeking site plan and special use permit approval from the Town of Wappinger for the operation of a farm brewery and associated tasting room located on tax lot 6057-02-847758 at 81 New Hamburg Road (see attached Figure 1). The site currently contains three existing buildings, including two former dairy barns and a farm stand. The northern, 1-story with loft, dairy barn (6,029 SF) will be converted to a tasting room comprising 5,337 SF, with a catering kitchen and 187 seats. The southern, 1-story with loft, dairy barn (7,371 SF) will be converted to a brewery, with an 814 SF addition for a total of 8,185. There is no change proposed to the 1,250 SF farm stand.

Approximately 2.4-acres of ground disturbance will occur with the project. Development of the site includes additional parking, drainage improvements, exterior lighting, land grading, erosion & sediment control, a subsurface sewage disposal field, a private well (serving the brewery only), and a municipal water connection (for the tasting room). The project requires a State SPDES permit for stormwater and sanitary wastewater.

According to the New York State Department of Environmental Conservation Environmental Resource Mapper (see Figure 5), there are known occurrences of Endangered or Threatened Species, including the Bald Eagle, Northern Long-eared Bat, Indiana Bat, Atlantic Sturgeon, and Shortnose Sturgeon.

Winter tree clearing (< 10 acres) is proposed between October 1 to March 31 to mitigate potential negative effects to the Bat species.

The project will require no work within Wappinger Creek; therefore, the project will have no adverse effect on the Sturgeon species.

Regarding Bald Eagles – As part of a prior subdivision approval with the Planning Board, which included this parcel, it was anticipated that based on the distance of the proposed activities to the location of the non-breeding bald eagle occurrence that no adverse impacts were anticipated. For Breeding Eagles, no time of year restriction was required for construction based on the adjacency to the Metro-North railroad. Please see attached NYSDEC letters.

Please advise on any concerns you have for the proposed project and any information needed.

Thanks,

Caren

Caren LoBrutto

LaBella Associates | Senior Planner | Team Leader



845-486-1458 direct
21 Fox Street
Poughkeepsie, NY 12601
labellapc.com

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**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

August 23, 2023

Brittany Micheline
Project Coordinator
LaBella PC
21 Fox Street
Poughkeepsie, NY 12601

Re: DEC
Obercreek Brewery & Tasting Room
Town of Wappinger, Dutchess County, NY
23PR07039

Dear Brittany Micheline:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources.

The project area falls partially within a previous Phase IA/IB Archaeological Survey (12SR62564) conducted on this property. There are two previously identified archaeological sites, Obercreek Prehistoric Site 1 (02719.000228) and Obercreek Prehistoric Site 2 (02719.000229), within your project area.

We recommend that a Phase IA/IB archaeological survey be completed for this project. The report should include recommendations for the previously identified archaeological sites.

If you have any questions, I can be reached at Jessica.Schreyer@parks.ny.gov.

Sincerely,

Jessica Schreyer
Historic Preservation Program Analyst - Archaeologist



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

September 15, 2023

Brittany Micheline
Project Coordinator
LaBella PC
21 Fox Street
Poughkeepsie, NY 12601

Re: DEC
Obercreek Brewery & Tasting Room
Town of Wappinger, Dutchess County, NY
23PR07039

Dear Brittany Micheline:

Thank you for requesting the comments of the Division for Historic Preservation of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the submitted materials in accordance with the New York State Historic Preservation Act of 1980 (section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6NYCRR Part 617).

The complex contributes to a National Register listed historic district. The barn which is labeled as a tasting room in your application seems to be what is referred to as the 1920s Calf Barn/Bull Pen in the National Register nomination. The other barn, which is labeled the Brewery, seems to be the what is referred to as the 1920s Cow Barn in the National Register nomination. For more details, see the USN tab in CRIS. Because of the historic status of the barns, and because ground disturbance is proposed, we are reviewing the project. Our archaeology staff has requested a survey and the comments below refer to historic buildings.

The proposal includes covering concrete masonry units (CMUs) on the first floor and the wood clapboard siding on the second floor of the cow barn. The CMUs and the clapboards appear to be from the original date of construction and are character defining features. We recommend they are retained and not covered on the exterior. If you need to provide insulation on the interior, it should be in limited locations so the interior character remains evident. Furring out should be no more than three inches on walls that have windows and doors. Before we can complete our review, we will need additional information. Please attach design materials to CRIS as one or a few PDFs. Photos need to be collected into a single Microsoft Word or

PowerPoint file (one image per slide) for uploading to the CRIS system or as a PDF. Please do not attach individual photos to CRIS as PHOTOS because this section of CRIS takes a long time for us to download. Please include:

- A. An existing-condition site plan to double as a photo key (see "B" below).
- B. Exterior photos of all elevations not yet documented. These should be numbered and keyed to the site plan to identify the location and direction of view. We will need clear photos of each elevation to compare with each proposed elevation drawing. Please include detailed photos, that have adequate lighting, of all doors and windows proposed for replacement.
- C. A proposed site plan.
- D. Existing-conditions floor plans to double as a photo key (see "E" below).
- E. Representative interior photos and photos where work is proposed.
- F. Proposed rehabilitation floor plans.
- G. Confirmation that any new mortar will match the historic mortar in all qualities including strength, color, texture, and tooling. For information on how to do this, see Preservation Brief #2 <http://www.nps.gov/tps/how-to-preserve/briefs/2-repoint-mortar-joints.htm>.
- H. Confirmation that any replacement masonry will match the historic masonry in all qualities including dimension, color, and reflective qualities.
- I. Photographs documenting deterioration beyond repair for features that are 50 years old or more proposed for replacement. These should be detailed enough for us to understand the age and condition and be adequately lighted. Please include the interior and exterior views.*
- J. Information about features proposed for installation, such doors, and lighting. Please provide manufacturers catalogue cut sheets or shop drawings. We need to know the material of the proposed replacements. These should be provided in an easy way to compare with the photo of the feature being replaced.
- K. HVAC drawings.
- L. More information about new trusses to support the Tasting Room/Calf Barn roof.
- M. Confirmation that the CMUs and wood clapboard siding will not be covered on the Brewery Barn/Cow Barn.
- N. More information regarding Drawing A301. It mentions a new CMU wall on the upper section of the Brewery/Cow Barn. If this is a change to what is there now, we will need to take a closer look at the proposal.

*Historic wood windows are a character defining feature. We recommend that they are retained and repaired wherever possible. The old growth wood found in historic windows is much more durable than modern wood and they can be made energy efficient with storm windows and weather stripping. Please thoroughly examine the project and make every effort to retain historic windows. Please send the following for our review whenever replacement is proposed:

1. Detailed photos of all windows proposed for replacement, keyed to an existing conditions site plan, documenting the condition.
2. A full set of dimension drawings of the existing and proposed windows for each type for us to compare. Each set should include:
 - a. An elevation drawing.
 - b. A vertical section drawing.
 - c. A horizontal section drawing.

Proposed windows should be wood or metal clad. All grids on the glass should have three parts: an interior grid, and exterior grid, and a spacer bar between any layers of glass if they are multipaned.

If you have any questions, I can be reached at sloane.bullough@parks.ny.gov or 518-268-2158.

Sincerely,

A handwritten signature in black ink that reads "Sloane Bullough". The signature is written in a cursive, flowing style.

Sloane Bullough
Historic Sites Restoration Coordinator via email only