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November 18, 2022

Colleen R. Pierson, Esq.
O'Connell and Aronowitz, PC
54 State Street
Albany, NY 12207

Re: S.A. Dunn Construction and Demolition Landfill and Mine
DEC No.4-3899-00006

Dear Colleen:

Enclosed for your files is an engineering report examining traffic and related impacts of the Dunn project and a related memorandum. These were submitted to the Department of Environmental Conservation earlier this week.

Please feel free to contact me should you have any questions. Thank you very much.

Very truly yours,



Philip H. Dixon
Special Counsel to the City of Rensselaer

Enc.

CITY OF RENSSELAER
SUPPLEMENTAL COMMENTS ON S.A. DUNN
CONSTRUCTION AND DEMOLITION DEBRIS
LANDFILL AND MINE

The City of Rensselaer offers the enclosed information for consideration by the Department of Environmental Conservation (“DEC”) in its evaluation of the above-referenced applications by S.A. Dunn and Co. LLC (the “Applicant”) for the Applicant’s landfill and mining operations (collectively, the “Landfill”). This information, set forth in detail in the enclosed report by City Engineer William Smart, P.E. and the City Engineering Department (the “Engineer’s Report”), supplements material previously submitted by the City in response to DEC’s lead agency coordination request and at the June 14, 2022, environmental justice public hearing. The Engineer’s Report identifies public safety concerns, infrastructure damage, noise, dust and related problems caused by the Landfill’s truck traffic. The Engineer’s Report also identifies compliance concerns related to MS4 stormwater requirements. These issues merit further detailed examination.

As is discussed in the Engineer’s Report, the submissions by the Applicant rely in significant part on outdated or incorrect information regarding impacts. A number of substantive and significant issues related to traffic should be evaluated in more detail using current data, both as a matter of completeness of the applications and as subjects for inclusion in an environmental impact statement (“EIS”) pursuant to the State Environmental Quality Review Act (“SEQRA”). With respect to the analysis of adverse impacts, the Applicant seeks to rely on a SEQRA review that was completed in 2012. Many of the assumptions and predictions made in the 2012 EIS and

related SEQRA Findings Statement, however, have proven to be inaccurate or have been rendered obsolete by changed circumstances.

With respect to traffic impacts, the Applicant's current submissions rely upon a 2012 E15 and SEQRA Findings Statement adopted when the Applicant's construction and demolition debris landfill ("the Landfill") was first authorized. That Findings Statement, in turn, relied upon sand and gravel truck traffic data from 1992 (and a brief update in 2010) related to the pre-Landfill sand and gravel mining operation at the site.

The 2012 SEQRA evaluation was based on a figure of 100 round trips by mining trucks each day. The Findings Statement concluded that, based on a "continued limit of 100 truck round trips per day, there will be no change in the pre-approved traffic limits imposed in 1992, and therefore there will be no significant impacts to traffic and levels of service from this project." As is set forth in the Engineer's Report, the 2012 Findings Statement is not a valid basis for evaluating the type and extent of current adverse traffic impacts. There are two reasons for this. First, the nature of the trucks traveling to and from the Landfill has significantly changed. The Landfill trucks are much larger and longer than the previous gravel mine trucks that were considered in the 2012 Findings. Second, the nature of the area of the City through which the Landfill trucks pass has changed.

With respect to the physical size of the trucks traveling to and from the Landfill, the City's street intersections are not adequately sized to safely accommodate such trucks. For instance, many of the trucks coming from the west exit the Dunn Memorial Bridge and attempt to turn left onto Broadway before heading up Partition Street to the Landfill. As is outlined in the Engineer's Report, it is common for the Landfill trucks to make a left turn onto Broadway while blocking other of the exit lanes and sometimes running onto sidewalks. The Engineer's

Report identifies this intersection as presenting the most severe traffic and pedestrian safety issue. Problems were also identified to varying degrees at the other intersections examined: Broadway and Routes 9 & 20, Broadway and New Broadway, and Broadway at Partition Street. The Engineer's Report documents these issues with photographs of Landfill trucks using multiple lanes and damage to sidewalks and roadways.

Regarding the nature of the area through which the Landfill trucks pass, the demographics have changed significantly. In the decade since the 2012 Findings, approximately 200 new apartments have opened within the area of the Landfill, adding significant new automobile traffic to the area. And, as discussed in the City's previous filings, the residents and school children suffer from noise, dust, exhaust emissions and other impacts that are only made worse by increased traffic.

With respect to MS4 stormwater issues, the Engineer's Report identifies ongoing compliance issues. The Report notes that Dunn has not provided the weekly inspection reports required by the approved Stormwater Pollution Prevention Plan ("SWPPP"). The Report cites observations of Landfill trucks routinely tracking mud onto Partition Street during rainy weather and the Applicant sometimes washing the road using a water truck. The Report notes that such washing flushes sediment into Quackendery Creek vi the City's closed drainage system and notes that there are significant sediment deposits appearing at the confluence of Quackendery Creek and the Hudson River.

For all of these reasons, as set forth in detail in the Engineer's Report and the City's previous filings, the truck traffic impacts pose significant ongoing public health and safety and infrastructure damage impacts that must be examined in more detail.

Dated: November 14, 2022

Respectfully submitted,



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**DUNN C&D LANDFILL
IMPACTS ASSESSMENT**

**Partition Street
City of Rensselaer, NY**

Prepared For:

**City of Rensselaer
62 Washington Street
Rensselaer, NY 12144
And NYSDEC**

Prepared By:

**City of Rensselaer Engineering Department
62 Washington Street
Rensselaer, NY 12144**

William H Smart, P.E.

November 10, 2022

A. BACK GROUND

The purpose of this report is to respond to NYSDEC'S request for comments relative to S.A. Dunn and Co.'s application for landfill and mining operations off Partition Street in the City of Rensselaer. This application is for continuing the operations originally approved by NYSDEC. All comments provided below are a result of the City Engineers Office limited investigation into the impact of truck traffic on City infrastructure and on City residents. Also, included was a look at issues relative MS-4 considerations.

The Dunn facility is serviced by both large tractor trailer (WB 62) deliveries of C&D debris and load outs of sand and gravel material via triaxle dump trucks and some tandems. Deliveries, according to the original permit, are limited to 100 round trips per day for all trucks.

The facility is located off of Partition Street and uses the following access routes (See Map 1):

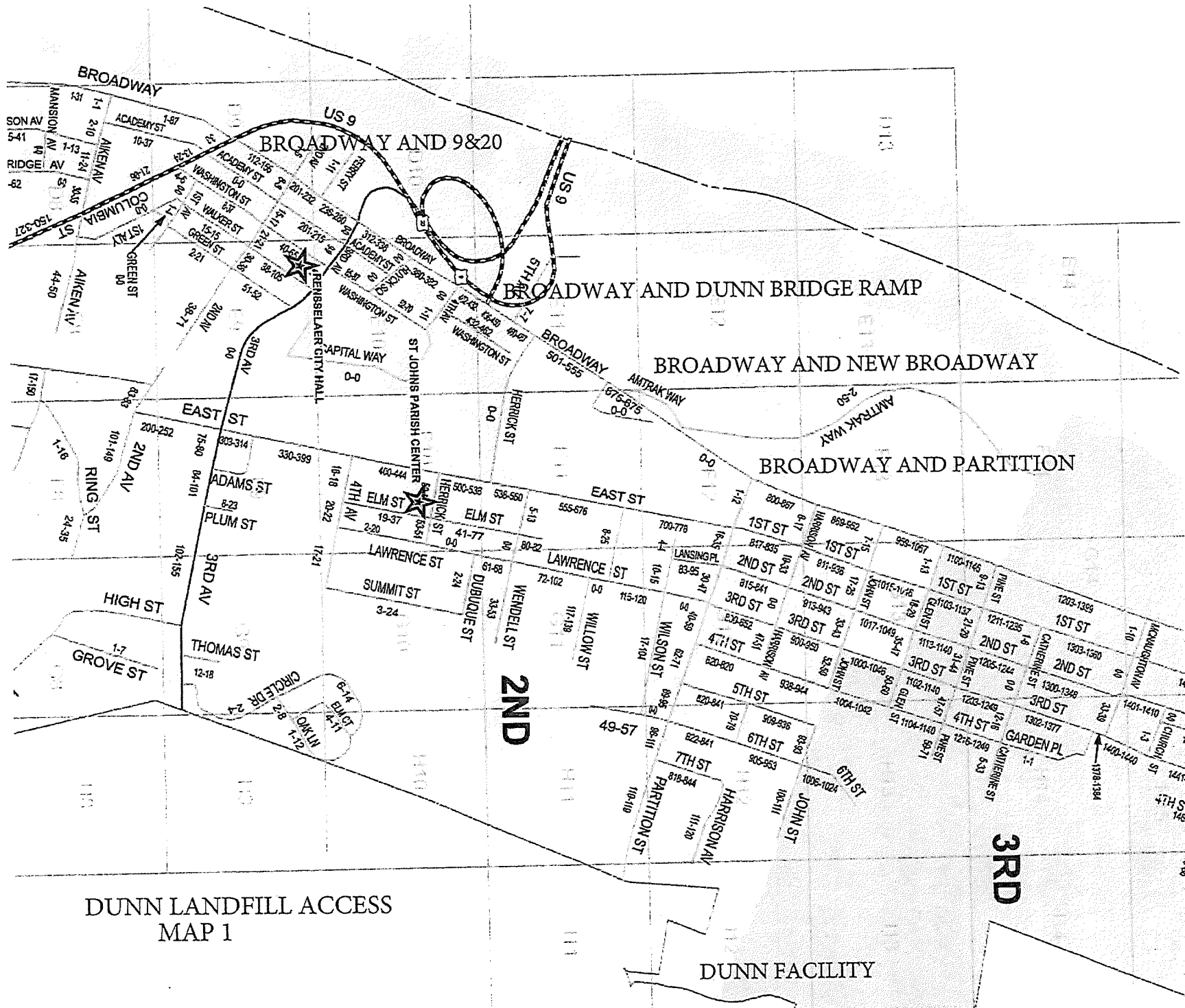
- 1) NYS Routes 9&20 from the east to Broadway, right on Broadway with a right turn at New Broadway and then a right turn at Partition. Then along Partition Street to the site access road.
- 2) NYS Routes 9&20 from the west (Dunn Bridge) to Broadway, left on Broadway with a right turn at New Broadway and then a right turn at Partition. Then along Partition to the site access road.
- 3) From I-787 via the Dunn Memorial Bridge to the Broadway access ramp to Broadway, left on Broadway with a right turn at New Broadway and then a right turn at Partition. Then along Partition to the site access road.

This report includes observations and assessments at the following intersections relative to turning movements and geometry:

- 1) NYS Routes 9&20 at Broadway
- 2) Dunn Bridge access road and Broadway
- 3) Broadway and New Broadway
- 3) Broadway and Partition Street

B. TRAFFIC

Traffic considerations assessed in the original environmental documentation, prepared for the approval of the site as a C&D landfill and sand and gravel mine, apparently relied on the historic



DUNN LANDFILL ACCESS
MAP 1

DUNN FACILITY

use of the site. While this would be an important factor it is unclear if there was any engineering review of the geometry of the above listed intersections. That review would have revealed that all of these intersections appear to be substandard for accommodation of larger tractor trailers. The triaxles and tandems used for sand and gravel transport seem to have no problems. The following is a discussion of the conditions observed at each intersection for both inbound and outbound movements.

I. BROADWAY AT NYS ROUTES 9 & 20

This is a fully signalized four way intersection with 9&20 going east and west and Broadway going north and south. Broadway south of 9&20 is truck and weight restricted. Access to the Dunn site is via Broadway and Partition Street (see Map 2).

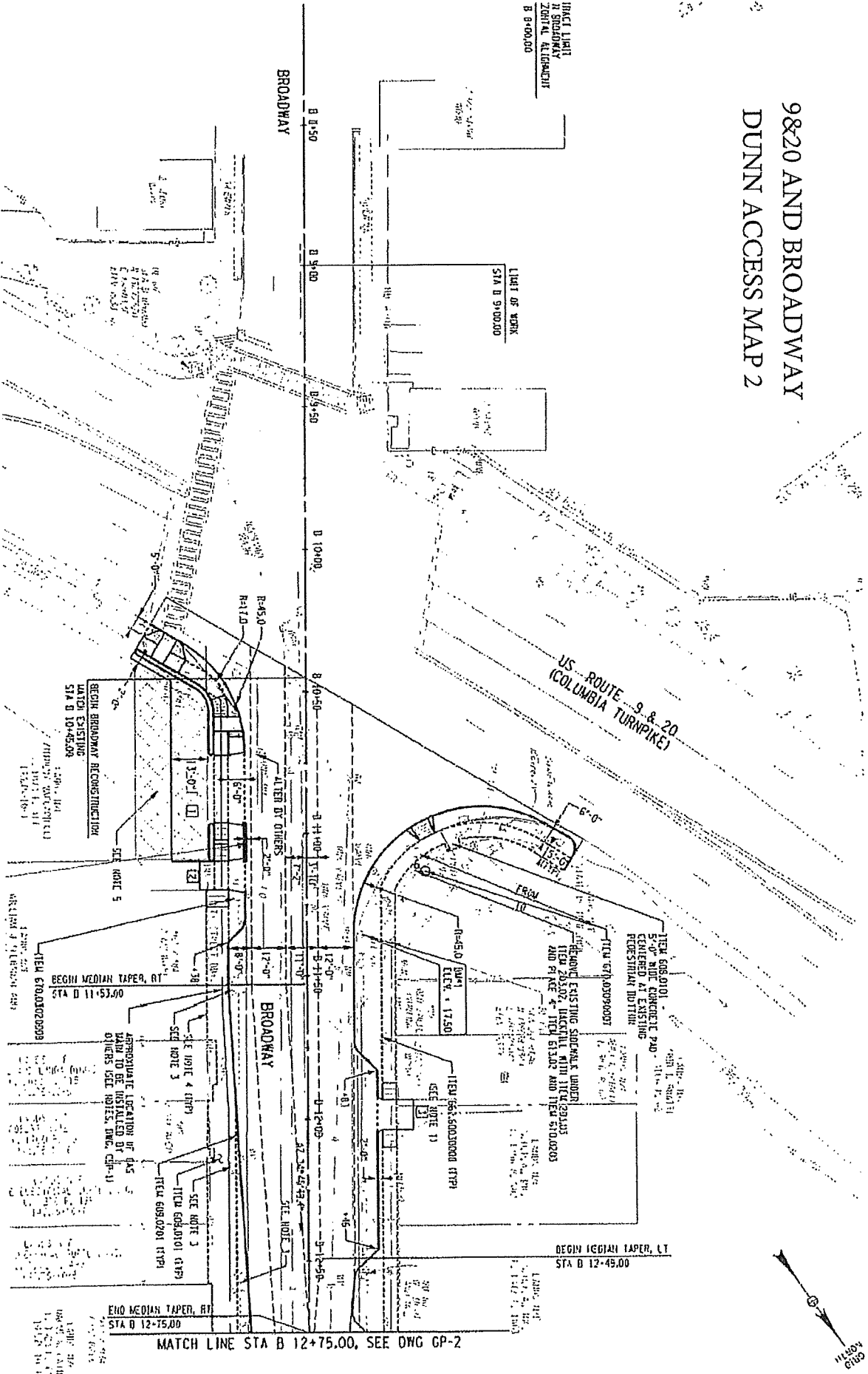
Of the four intersections observed this one appears to operate the best. The outbound turns both east and west seem to work pretty well. The inbound turns have some issues mostly depending on where other traffic stops. If other traffic is at or passed the stop bars these turns become problematic. It was observed that other traffic in some instances had to back up to allow these turns.

II. BROADWAY AT THE DUNN MEMORIAL BRIDGE OFF RAMP

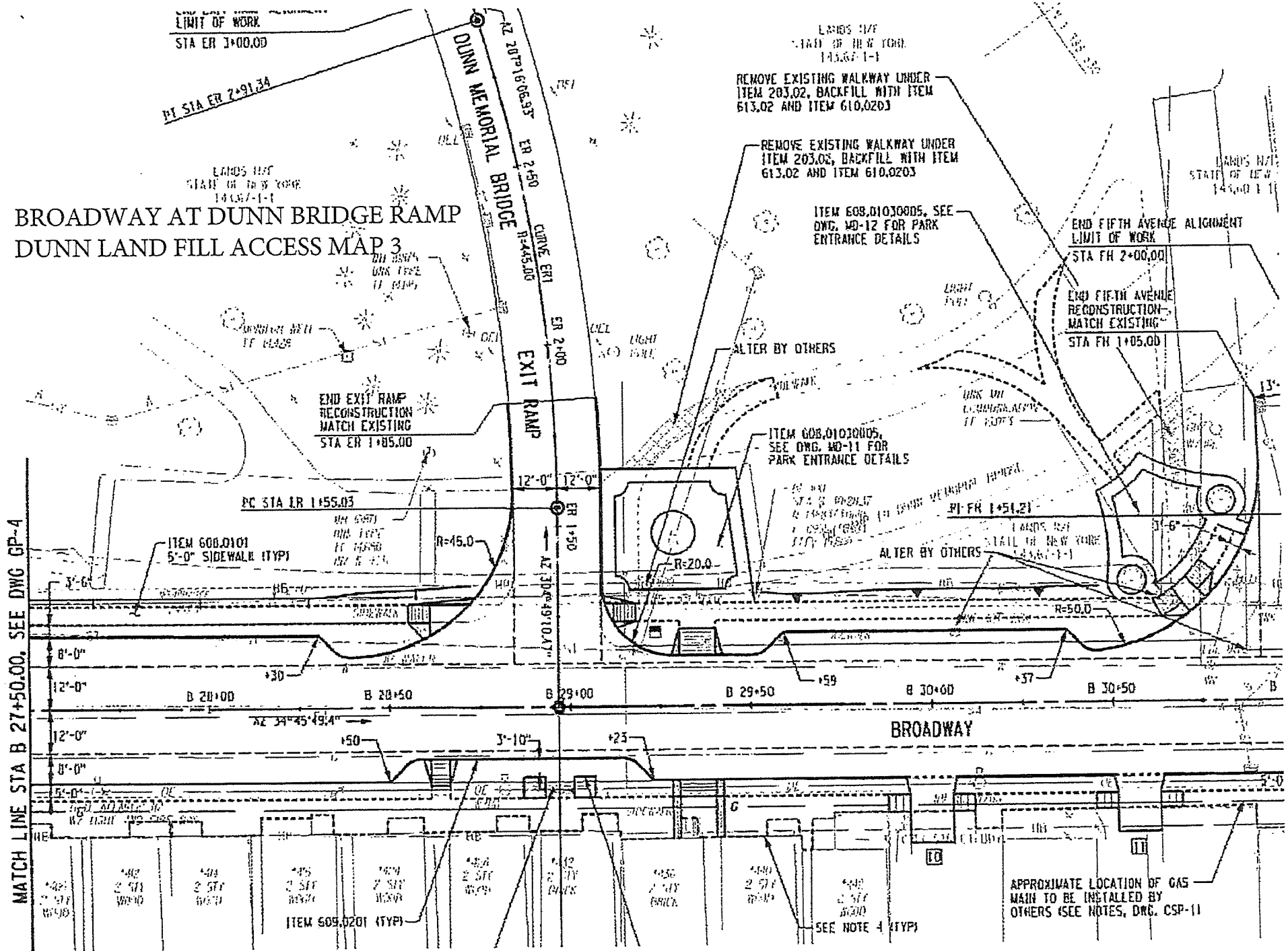
This is a fully signalized three way intersection with Broadway going north and south and the Dunn ramp providing access to Broadway for east bound traffic (see Map 3). The ramp provides access off of the Dunn Memorial Bridge which connects directly to I-787 on the west side of the Hudson River and terminates on the east side. The ramp as it approaches Broadway has both a left and right turn lane. This route seems to be the one most used by tractor trailers accessing the Dunn Facility.

Of the four intersections observed this one operates the worse and presents the most safety concerns. Most of the tractor trailers observed exit down the ramp and move directly into the right turn lane, either partially or completely, to make the left turn (see photos 1-4). On some occasions it was observed that other traffic coming down the ramp and making left turns continues along beside the truck making a left turn which makes for a dangerous situation when both try to turn left at the same time. If the truck does stay in the left turn lane they need to move dramatically into the right turn lane when they start the turn (see photos 5-8). This endangers traffic legally in the right turn lane. It does not appear that any left turn movement can be made if they stay completely within the left turn lane. If they try they ride up onto the

9820 AND BROADWAY DUNN ACCESS MAP 2



BROADWAY AT DUNN BRIDGE RAMP DUNN LAND FILL ACCESS MAP 3



MATCH LINE STA B 27+50.00, SEE DWG GP-4

APPROXIMATE LOCATION OF GAS MAIN TO BE INSTALLED BY OTHERS (SEE NOTES, DWG. CSP-11)

SEE NOTE 4 (TYP)

ITEM 509.0201 (TYP)

PHOTO 1

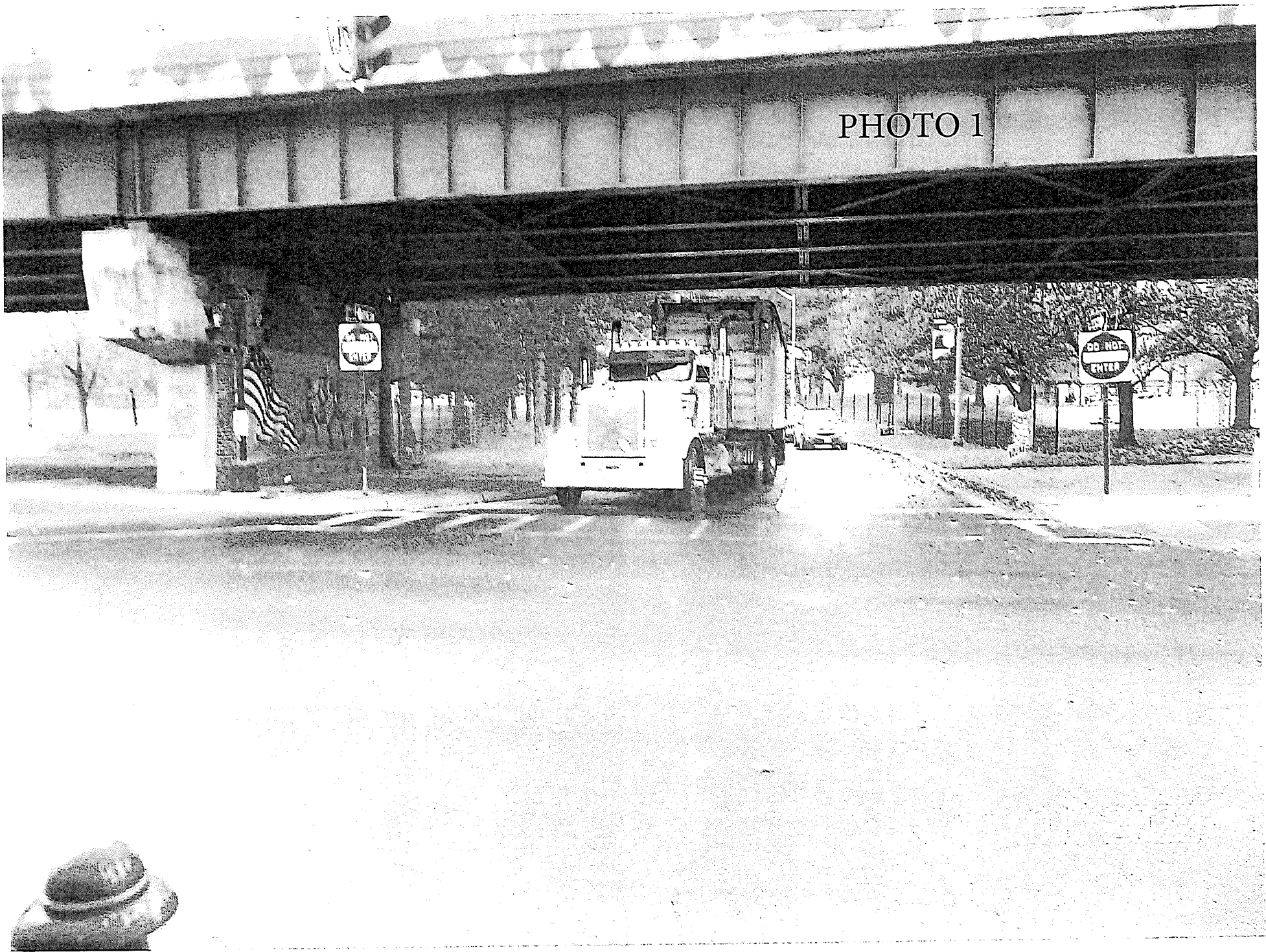
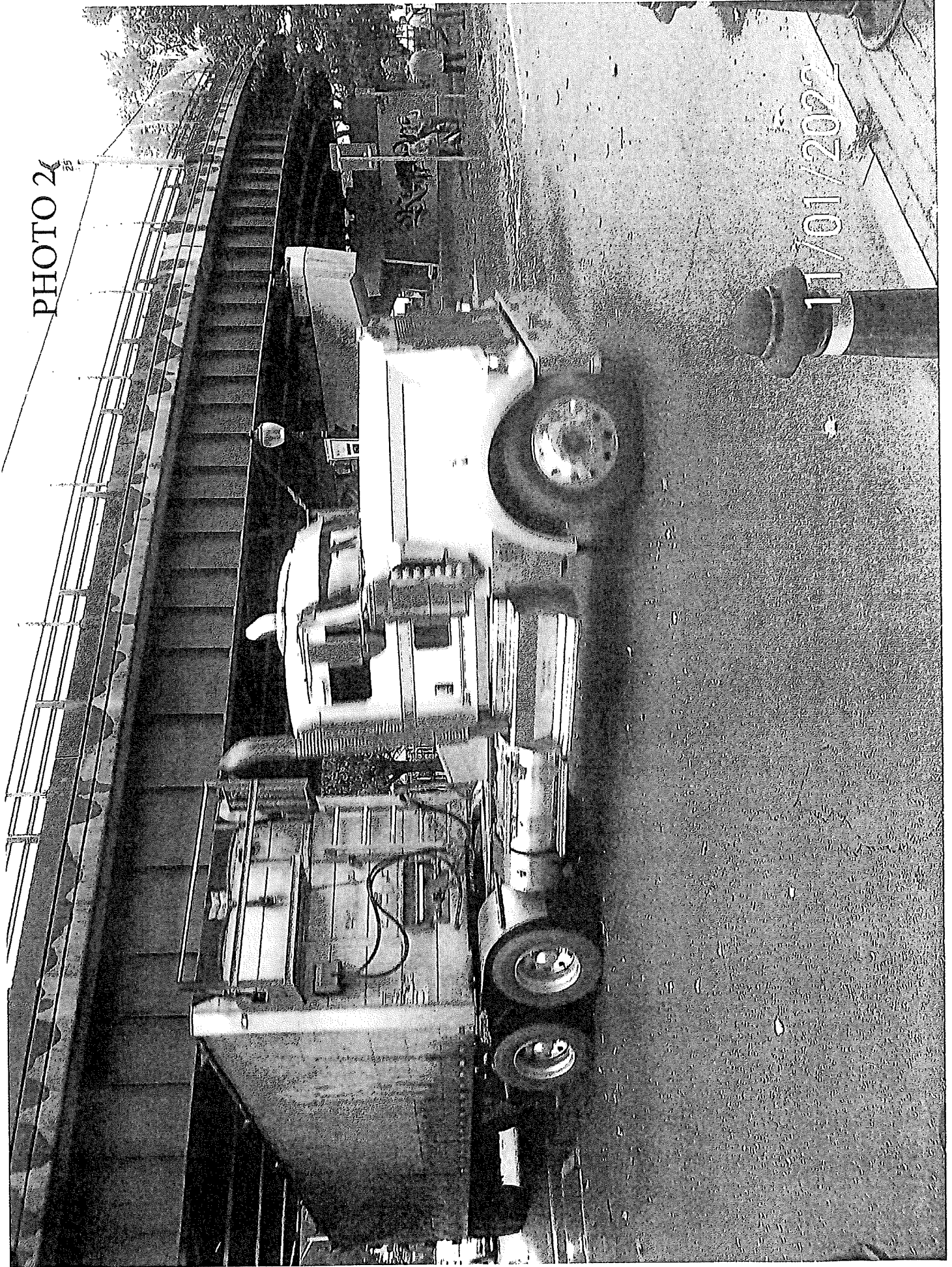


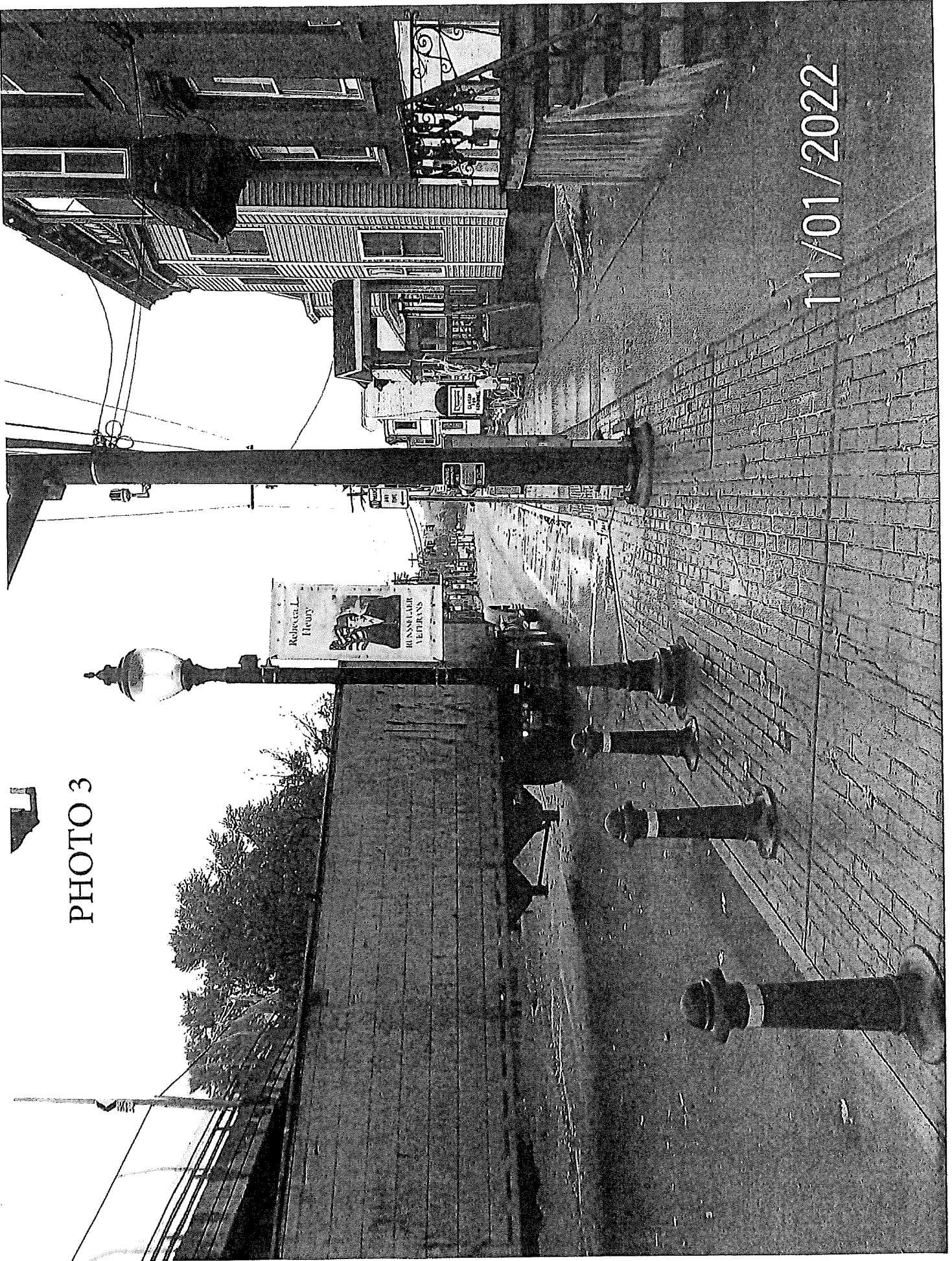
PHOTO 24



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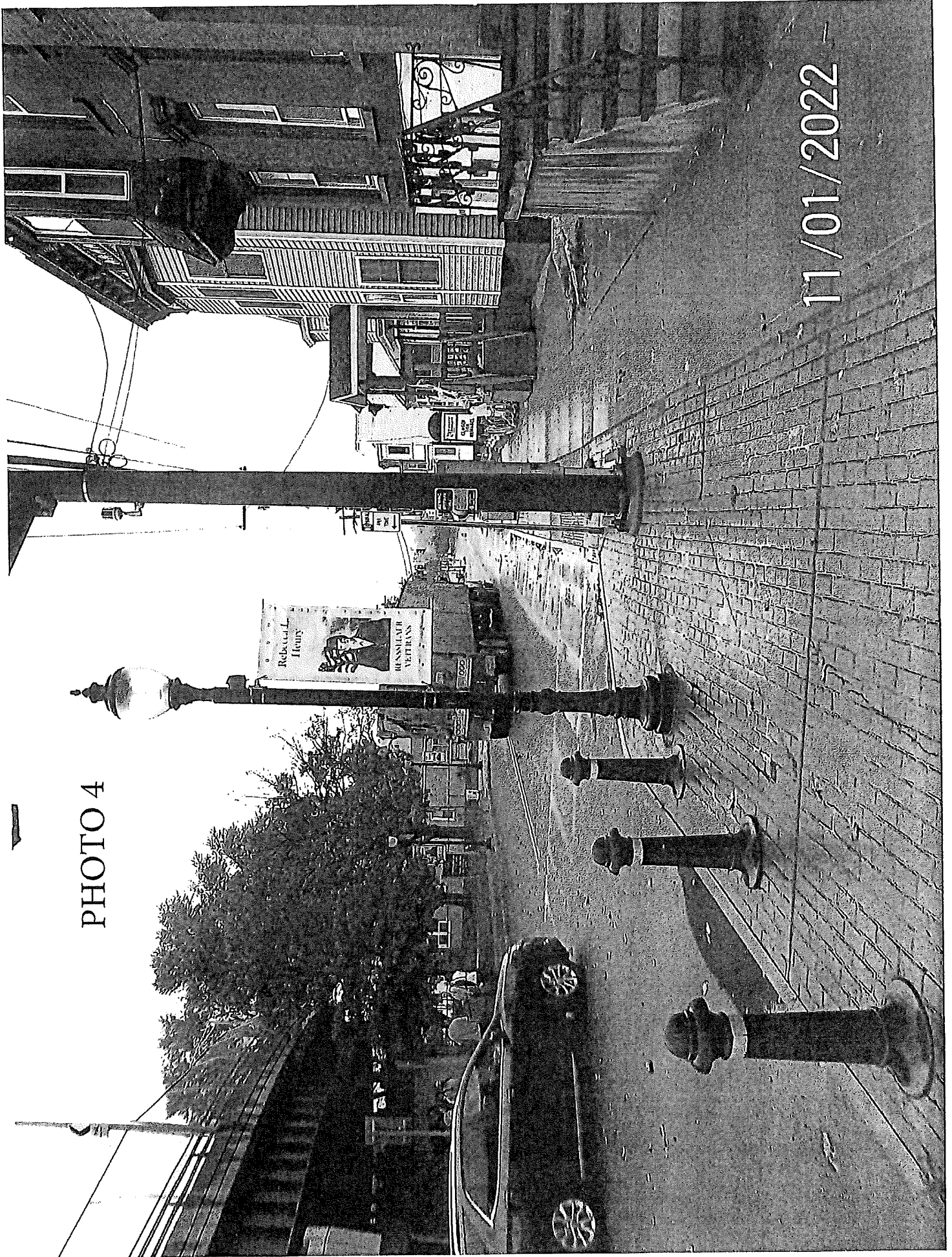


PHOTO 3



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PHOTO 4



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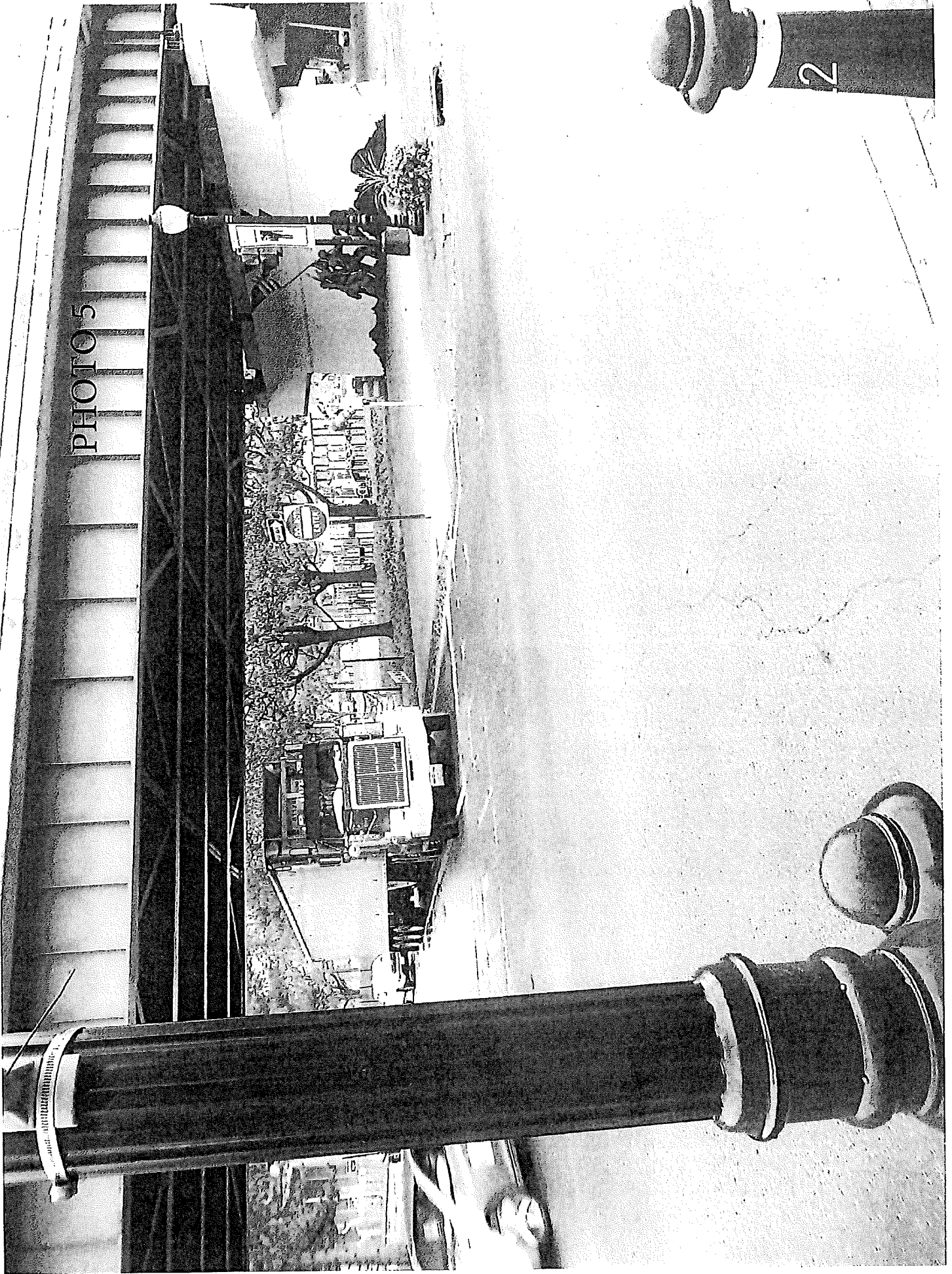
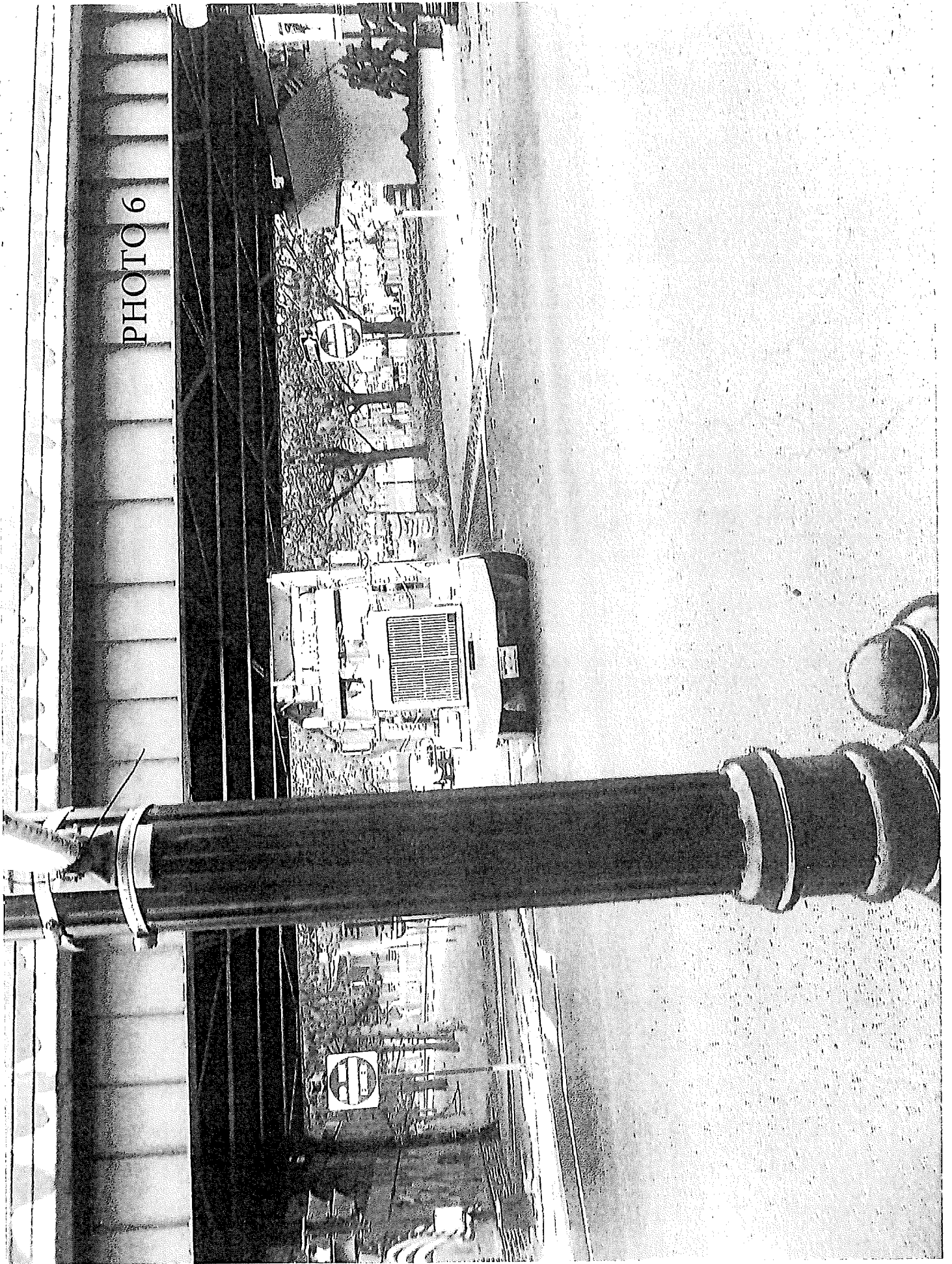
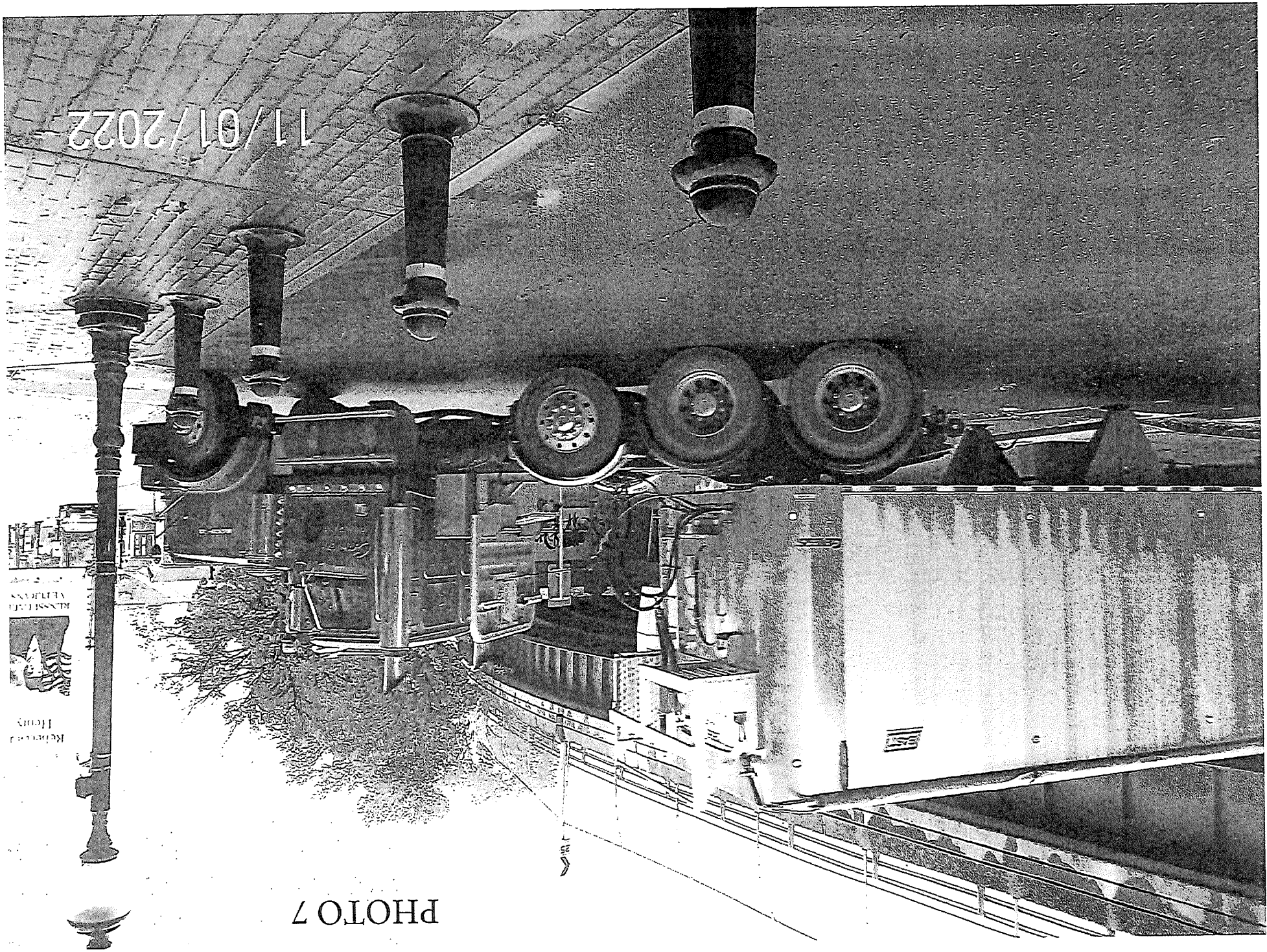


PHOTO 6



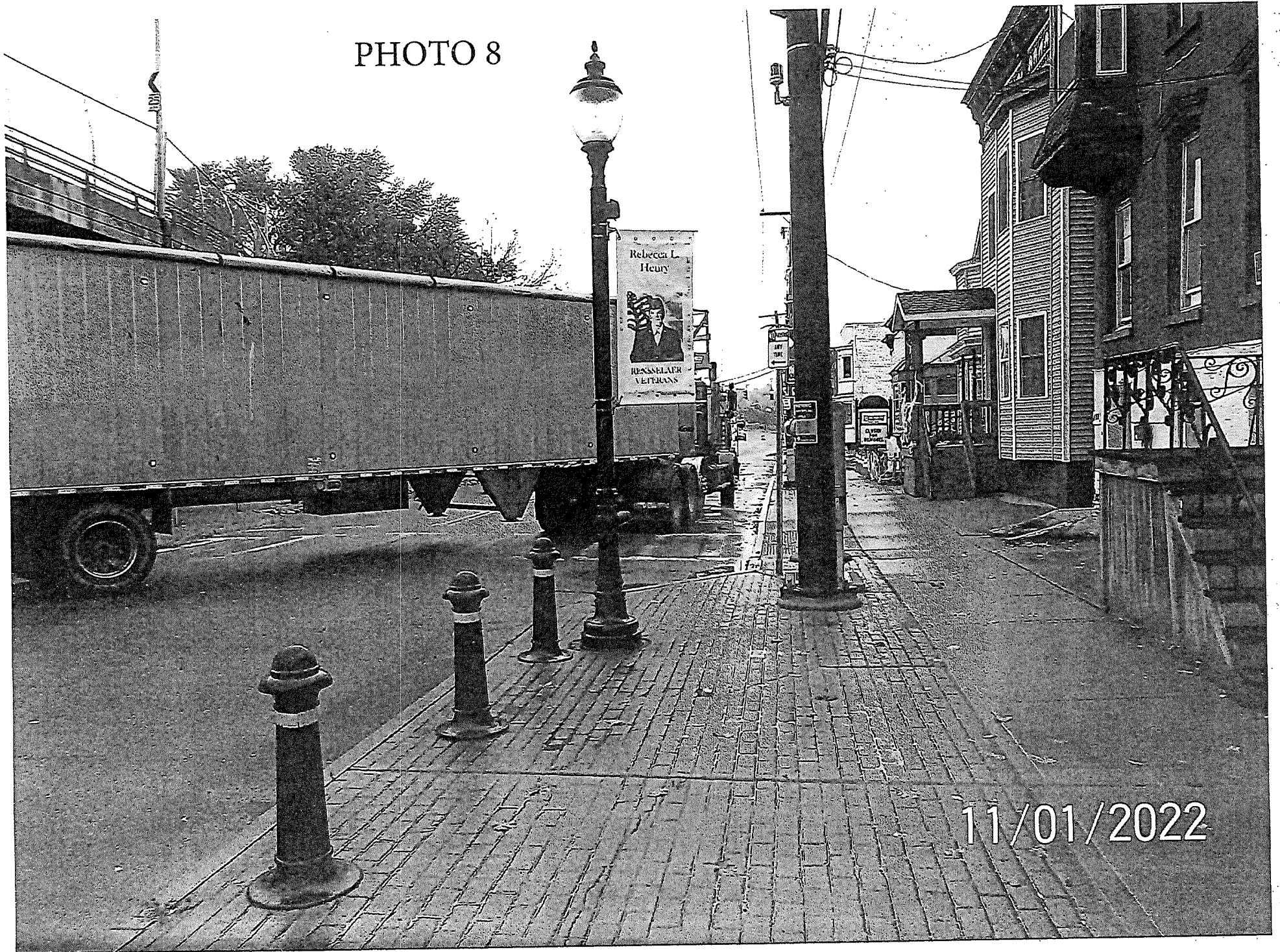


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PHOTO 7

REVEREND
HON. HENRY
BLISSFIELD

PHOTO 8



11/01/2022



PHOTO 9



PHOTO 10

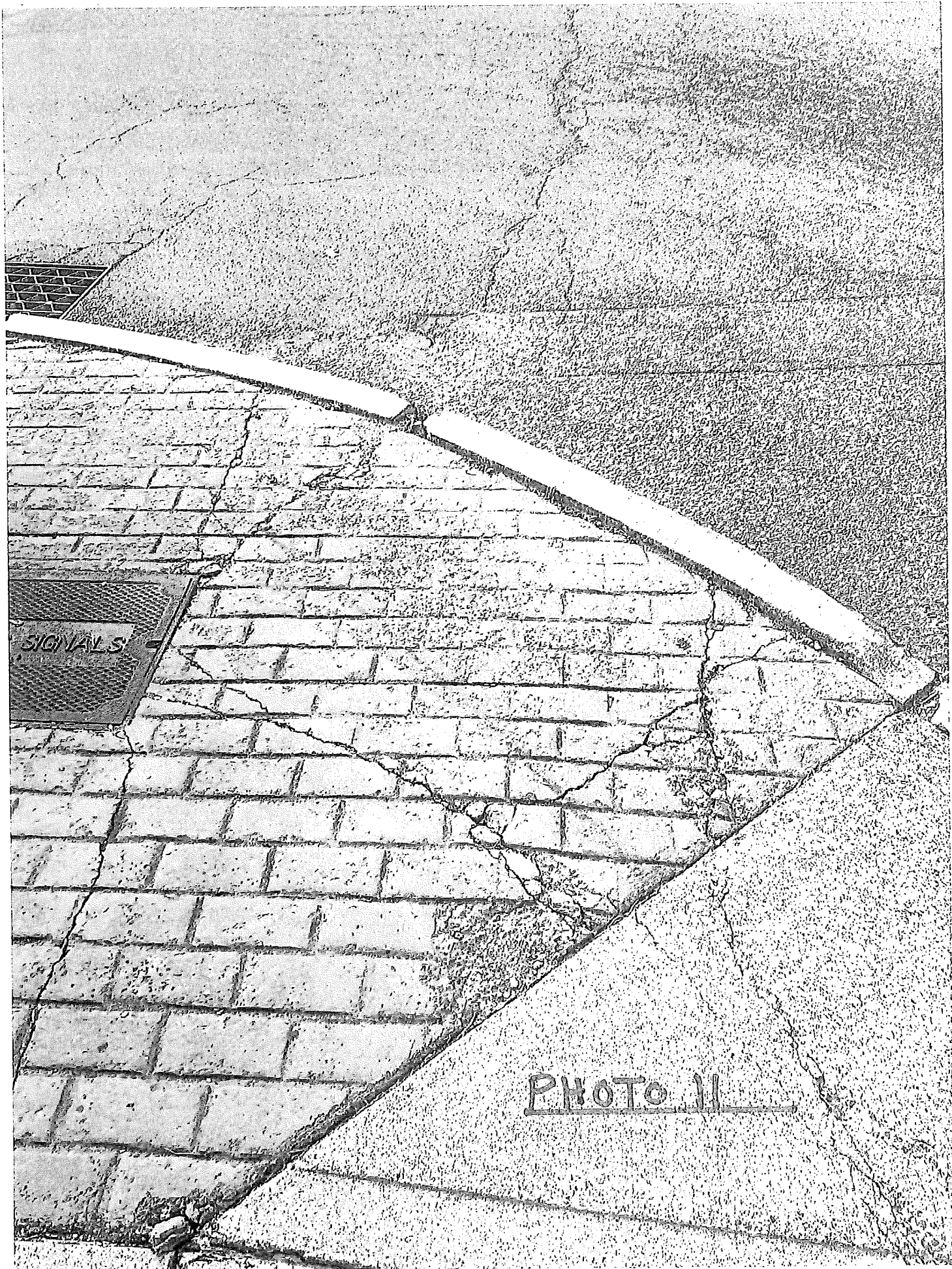
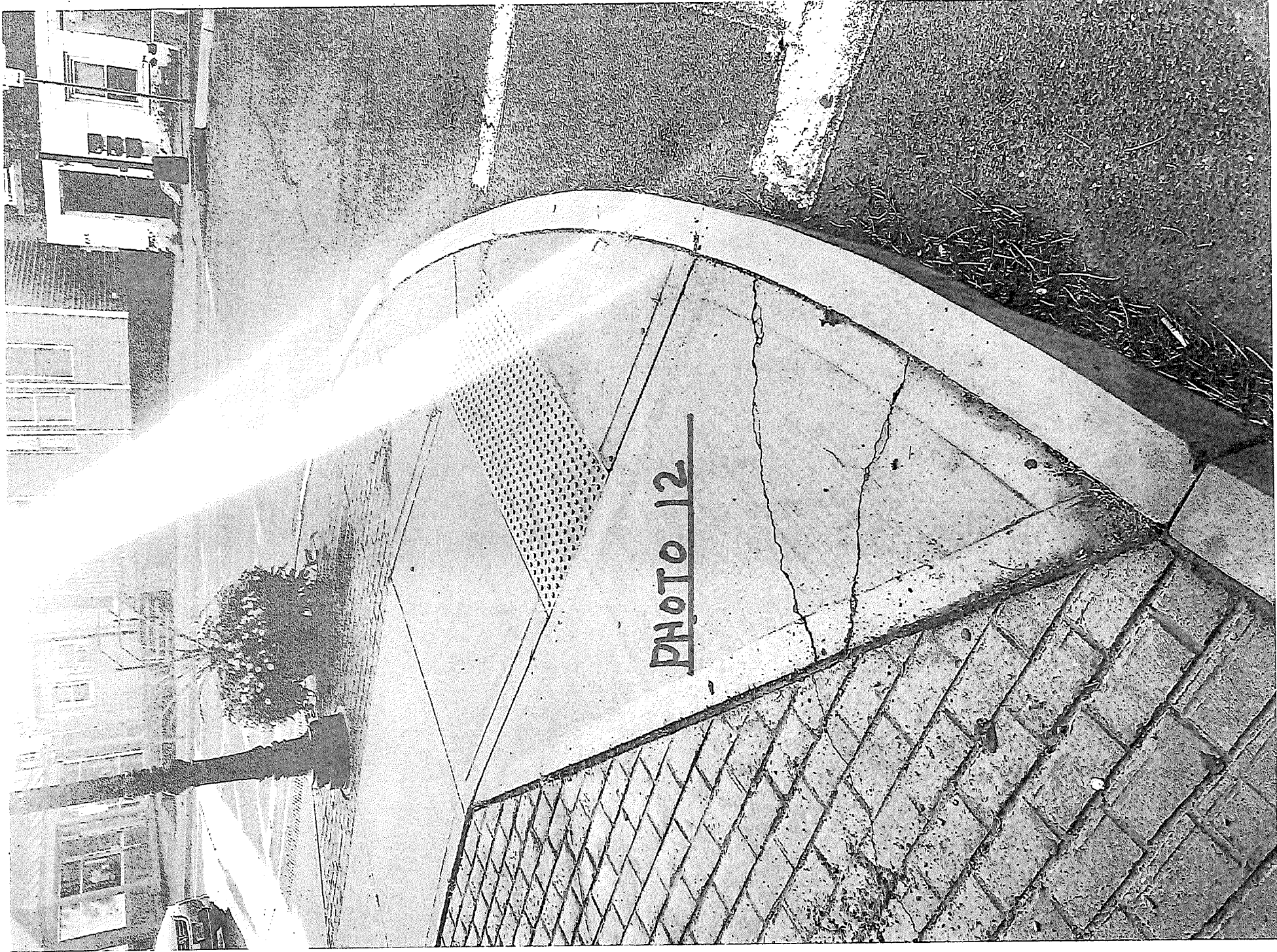


PHOTO 11



side walk making for pedestrian safety concerns and doing damage to the sidewalk and brick pavers. (see photos 9-12).

III. BROADWAY AT NEW BROADWAY

This is a fully signalized three way intersection. Going north bound (inbound) New Broadway is the thru movement while Broadway is a right turn (see Map 4). In this direction there is both a thru lane and a right turn lane. North and south bound lanes are separated by a striped median. All truck traffic accessing the Dunn Facility goes through this intersection.

The south bound (outbound) movement appears to work with some encroachment into the striped median. The north bound (inbound) right turn Broadway to Broadway does not appear to work well. Tractor trailers making this move when other traffic is stopped south bound cannot turn without encroaching into the thru lane and sometimes into the striped median (see photos 13-15). This creates a dangerous situation which is increased when other traffic is stopped at Broadway and New Broadway south bound.

IV. BROADWAY AT PARTITION STREET

This is a fully signalized 3 way intersection. Broadway continues north and south while inbound traffic makes a right onto Partition Street (see Map 5). Broadway north of Partition is weight restricted. The right turn inbound for tractor trailers does not work well. There is no turning radius at the bridge/sidewalk in the southeast quadrant to allow for the movement. Trucks move partially into the south bound lane to make the turn (see photos 16-20). The west bound approach for Partition has a stop bar moved quite a distance back from the intersection to allow this movement and if west bound traffic on Partition stops at or just past the stop bar the turn becomes very difficult. It is not unusual that traffic cued at the location has to back up to allow the movement. The out bound movement from Partition Street to Broadway South bound appears to work with minor encroachments into the north bound lane on Broadway. Which once again is problematic if traffic is cued at or near the stop bar.

BROADWAY AT NEW BROADWAY - MAP 4

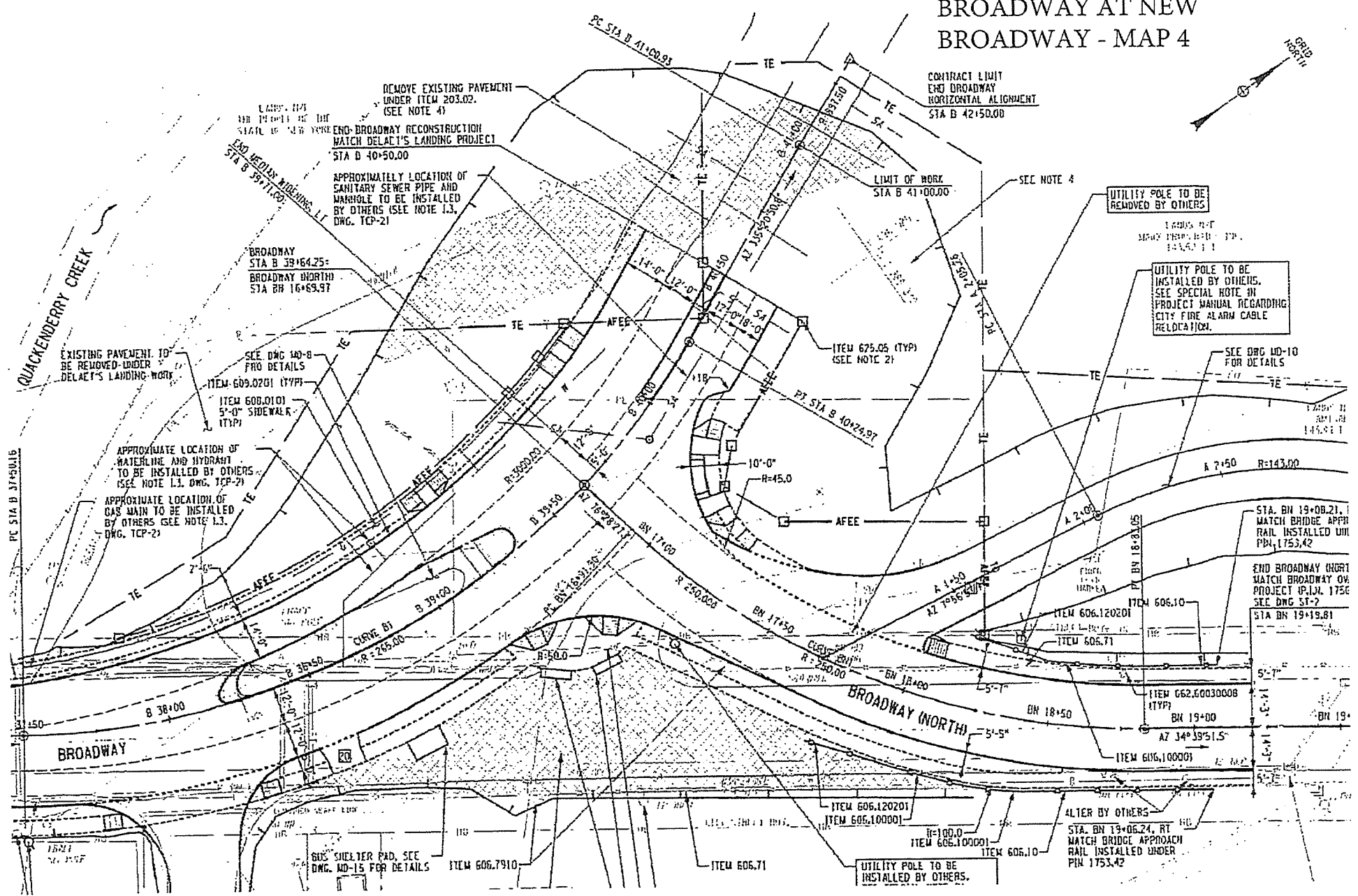
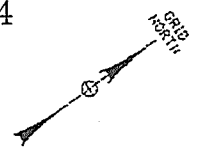
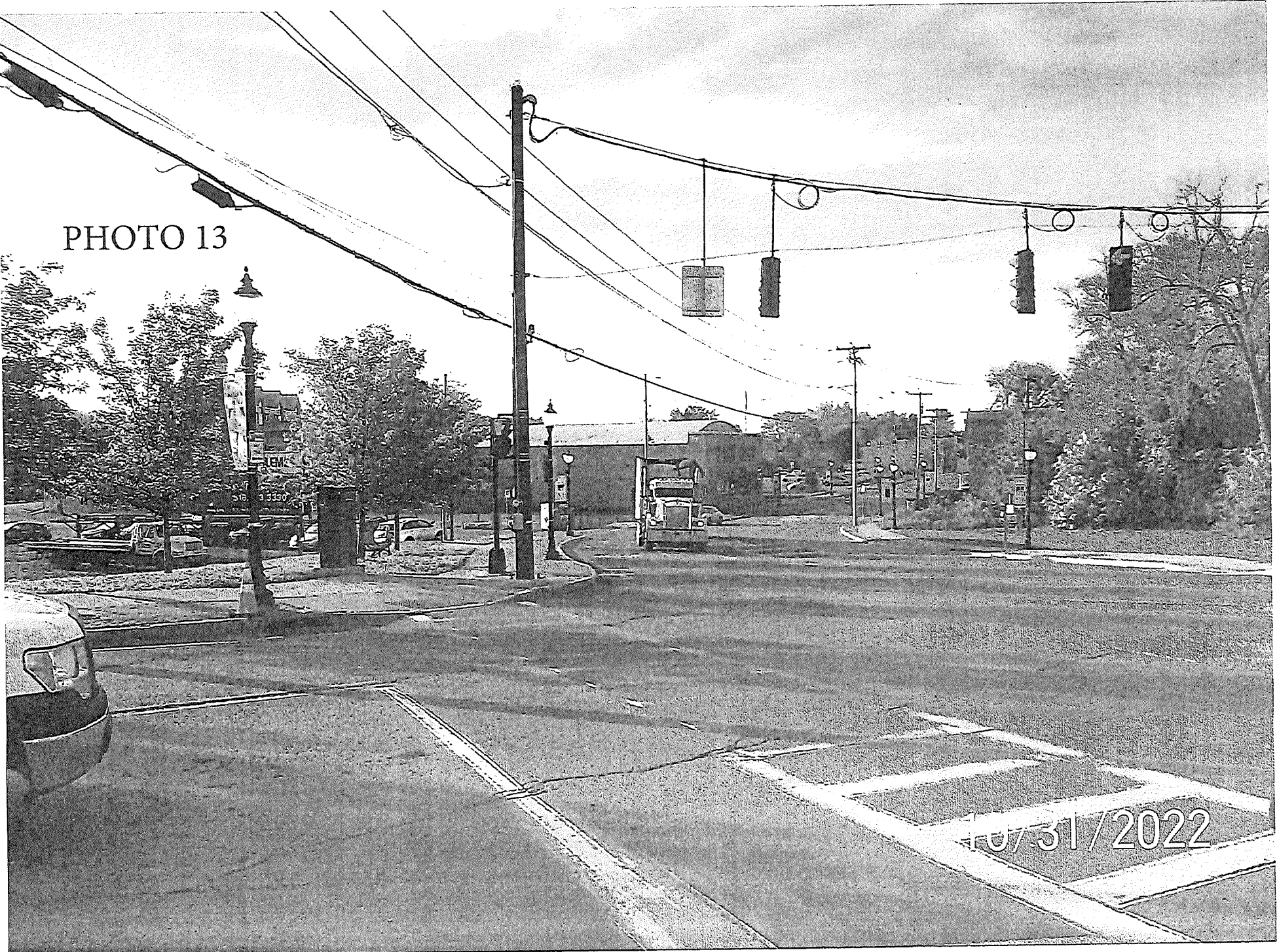


PHOTO 13



10/31/2022

PHOTO 14

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PHOTO 15



10/31/2022

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Michael Cristofer
RESSIA W VETERAN

PHOTO 16

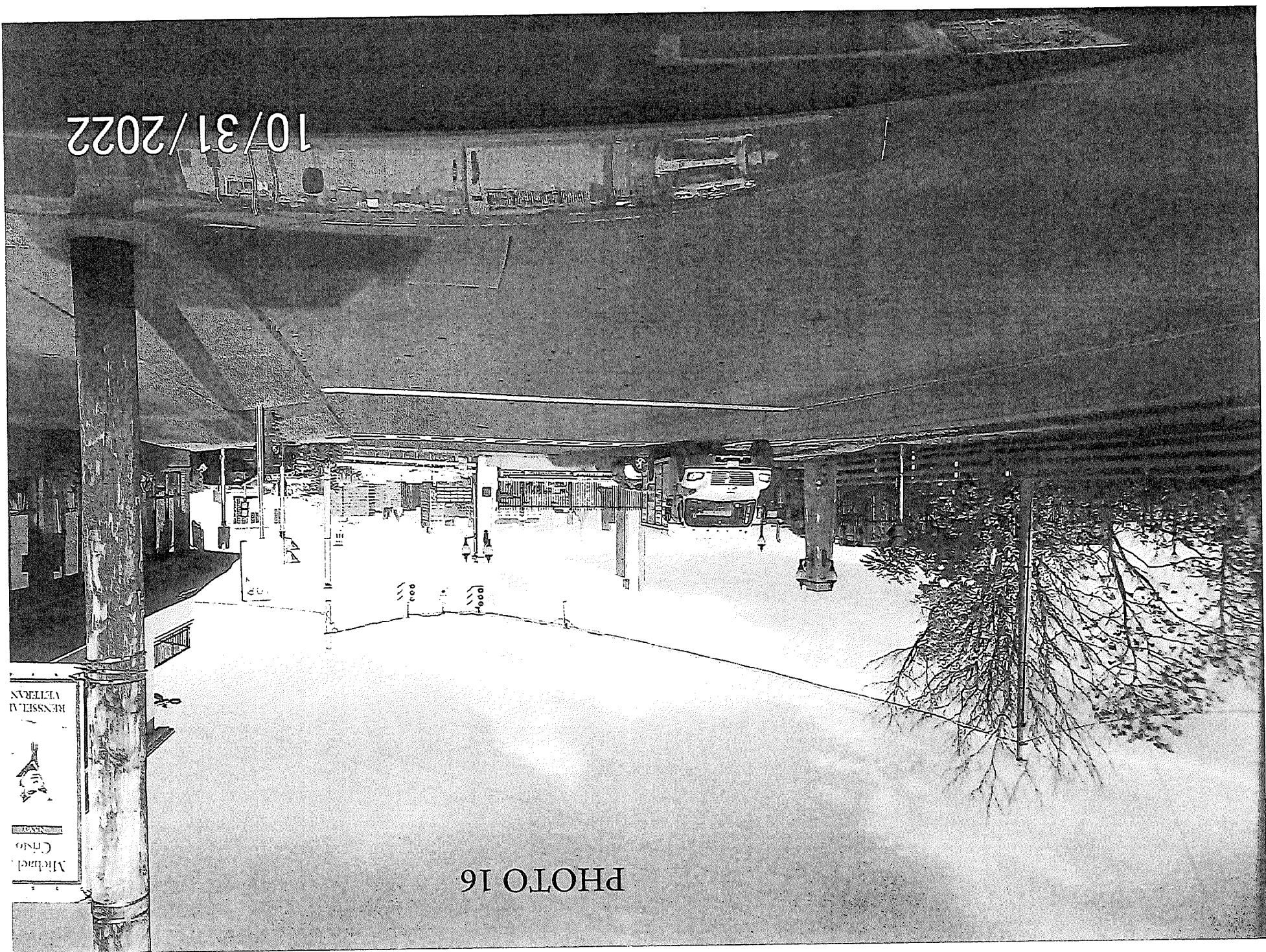


PHOTO 17

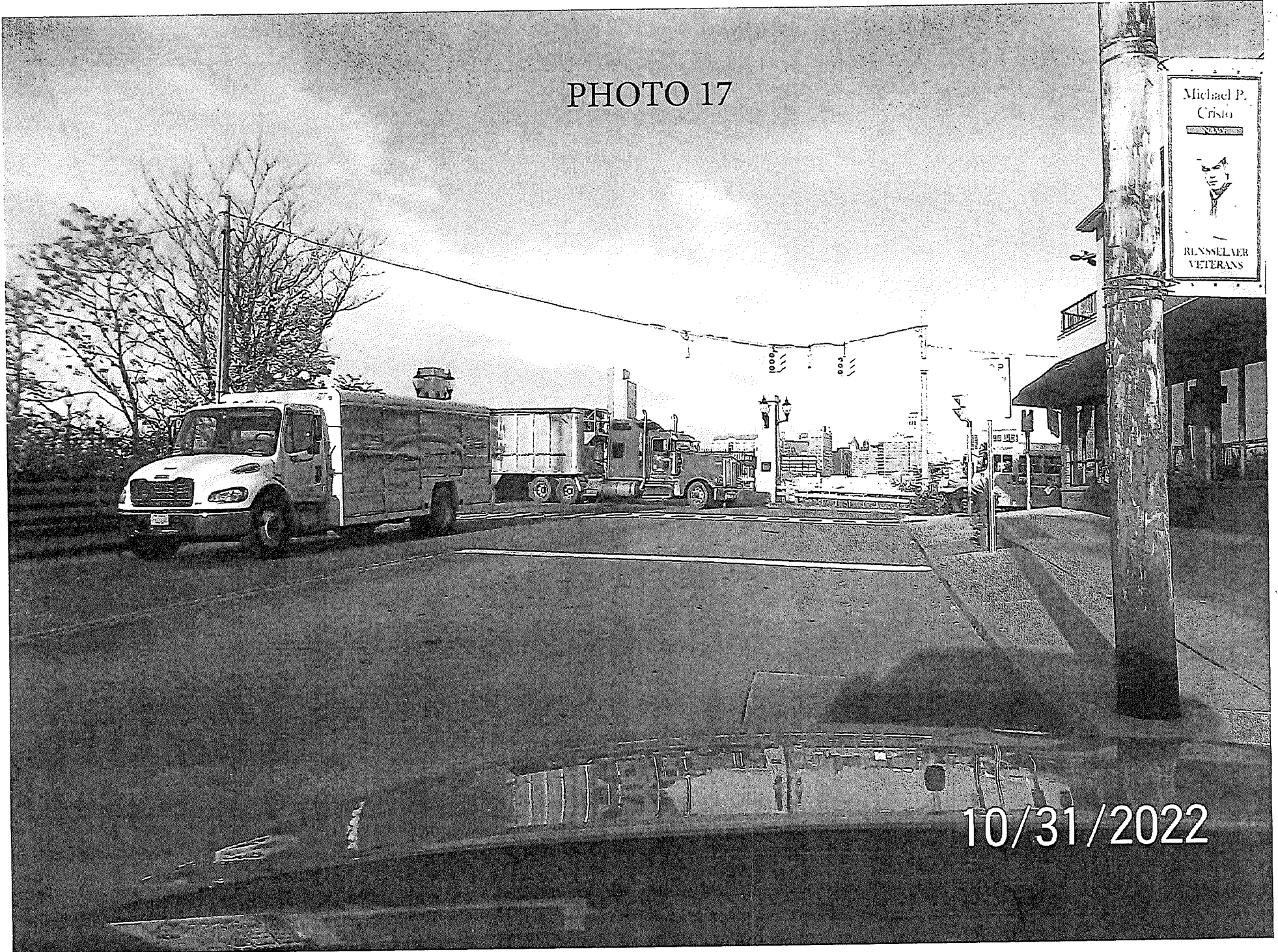


PHOTO 18

Michael P.
Cristo
RENSSELAIR
VETERANS

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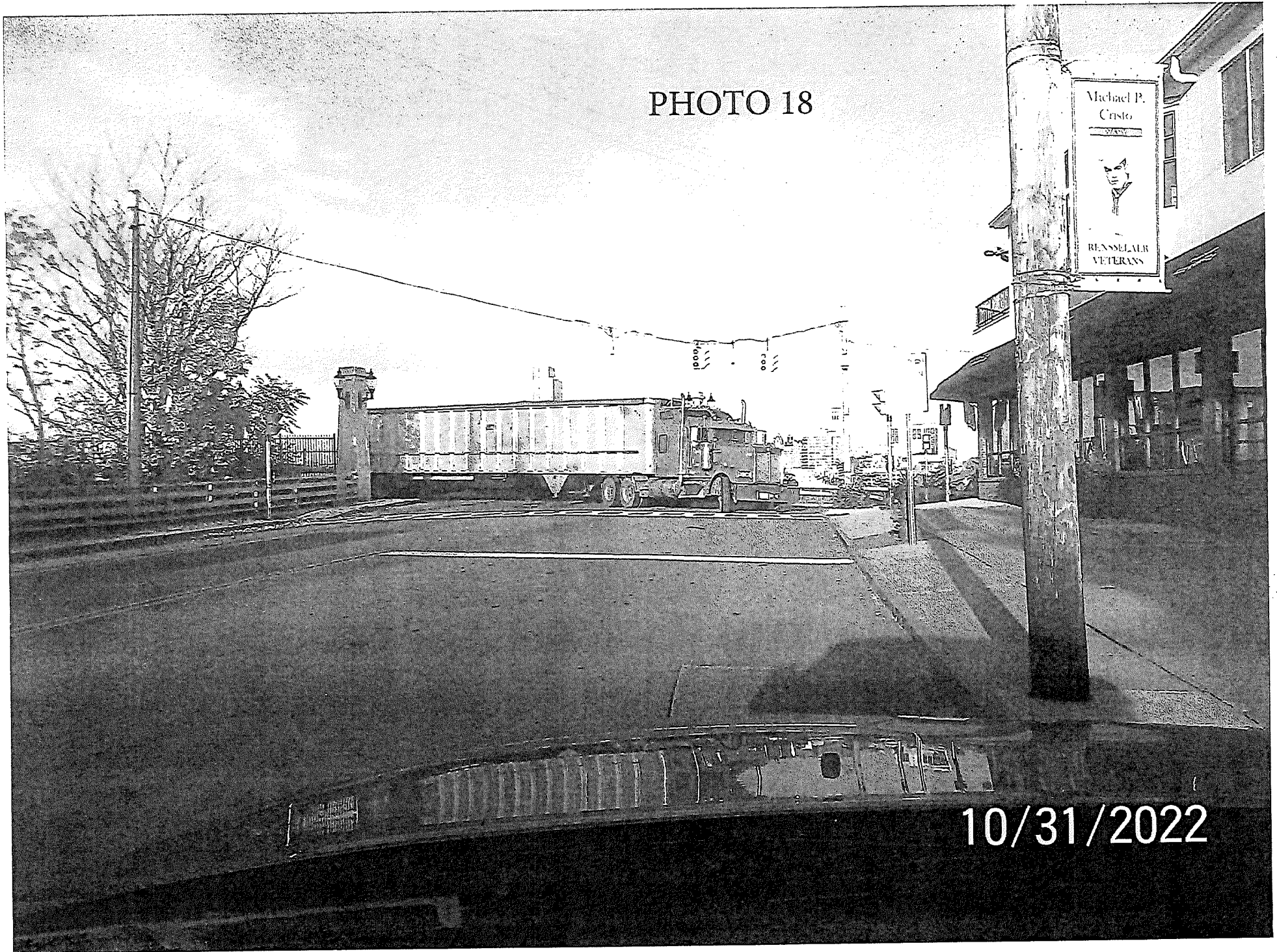


PHOTO 19

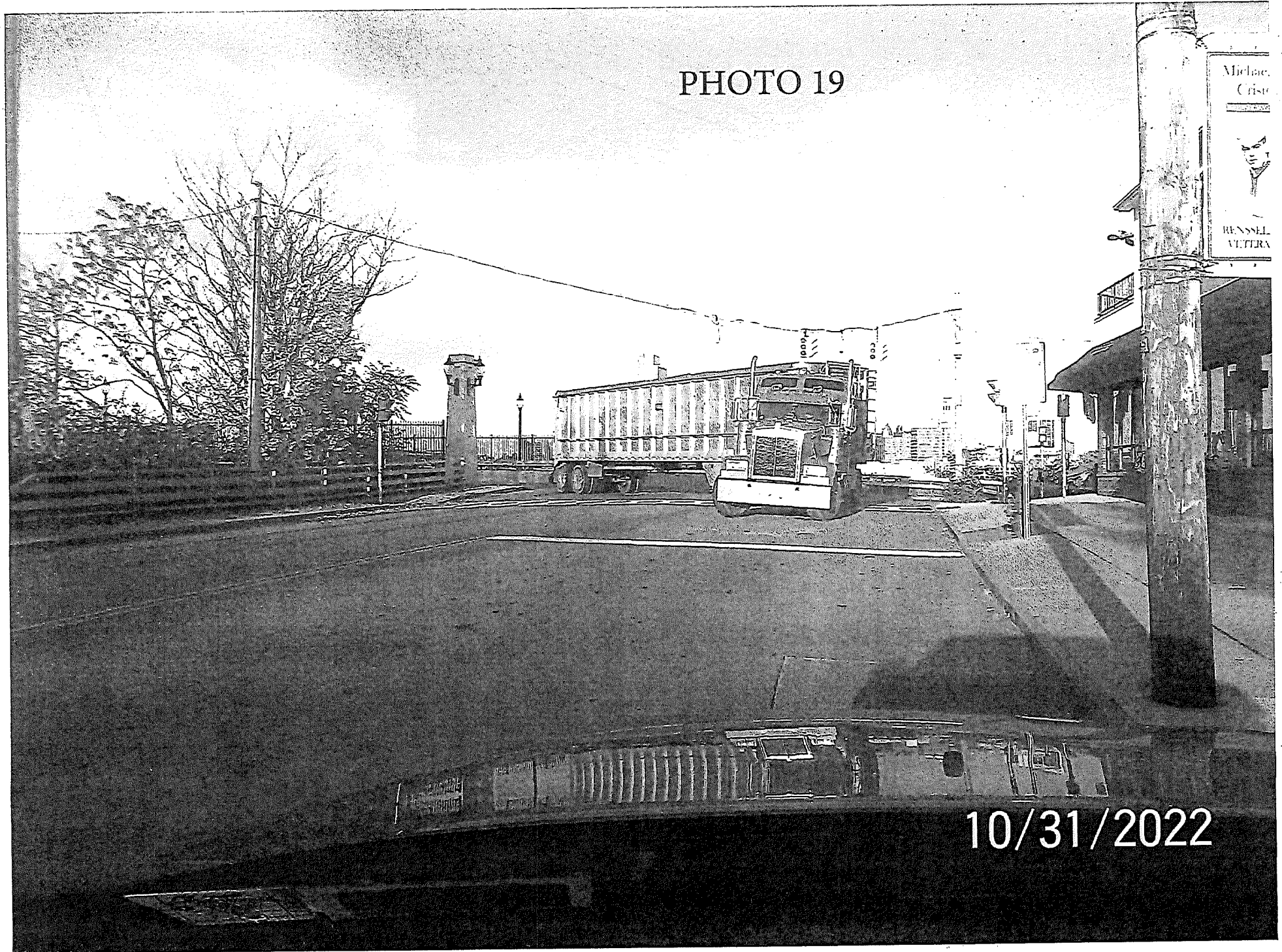


PHOTO 20



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V. OTHER STREET CONSIDERATIONS

a. Street Conditions

With the exception of the locations noted above where trucks have to ride up on the sidewalk and have done damage, the streets appear to adequately handle the truck traffic from a structural standpoint up to 3rd Street. From 3rd Street the pavement is significantly distressed. This is true especially after 6th Street to the Dunn Facility Access road. In this area the pavement is exhibiting alligator cracking which is probably a sign of subbase failure.

b. Noise

It is not clear if truck traffic noise was a consideration in the original environmental documentation. It should be noted that the area along Broadway from the Dunn Ramp to Herrick is mixed use with mostly residential uses. The area on Partition from 1st street to 7th street is also residential in nature with significant grade changes that exacerbate the noise issues.

C. MS-4 CONSIDERATIONS

A large portion of the Dunn Facility is located within the boundary's of the City's MS-4 jurisdiction. It is understood that this facility operates under an approved SWPPP. The facility has provided none of the weekly SWPPP inspection reports to the City. The main point of concern here is street cleaning that would be required and would protect the Quackenderry Creek. The trucks exit the site via a paved access road and onto Partition Street. When it rains the trucks routinely track mud onto Partition Street from the access road to 6th street. That is the location of Quackenderry Creek. Observations reveal that sometimes they use a vacuum sweeper and sometimes they use a water truck and wash the road. The latter being the problem because the sediment is washed directly into the creek via the City's closed drainage system. There are significant sediment deposits appearing at the confluence of the Quackenderry and the Hudson River which may be as a result of these activities.

D. CONCLUSIONS

The original environmental documentation for the Dunn Facility relied on historic data for making a determination that there would be no traffic impacts. While this is a good start it is not valid without doing other tasks. The historic truck traffic was primarily triaxles and smaller tandems to remove sand and gravel. The current situation is much different. The primary users are much larger tractor trailers. Moving forward there needs to be a study done of the adequacy for the impacted intersections to safely handle the turning movements. The adequacy of the geometry needs to be verified. A full traffic study needs to be done that would incorporate this as well as incorporating updated traffic counts and movement counts. The area in questions has changed significantly since the original documentation was provided. There have been background traffic increases that were not originally analyzed. This is due to increased traffic to the train station and construction of 200+ apartments in the immediate area. There are also other projects approved by the City for additional apartments and commercial space (Deleats Landing).

A study on the impacts of noise in the residential areas needs to be completed and mitigation measures need to be identified. It does not appear that this was originally addressed.

An analysis of the adequacy of the streets to handle the weight of these vehicles needs to be completed with potential improvements identified. Also, street widths need to be look at to verify that these streets, not just the intersections, can safely handle both Dunn traffic and regular City traffic safely. This apparently was not addressed in the original approval.

MS-4 requirements need to be identified and SWPPP conditions need to be adhered to. A study of the Quackenderry Creek needs to be done to verify it has not been degraded by Dunn activities. This includes the creek itself and the confluence with the Hudson River.