

Lori Stid

From: RECEIVED Travis Money <tmoney@diehluxllc.com>
Sent: MAR 19 2024 Tuesday, March 19, 2024 6:24 AM
To: Saar, Guillermo R (DEC)
Cc: TOWN OF PERINTON Sean McGinn; Fisher, Joshua M (DEC); Dave Schreiber; Joseph Burkart
Subject: RE: 20240319 Lollypop Farm 99 Victor Rd Perinton DEC#8-2644-00029
Attachments: 2024-03-08 Lollypop Farm FW NOIA.pdf; Lollypop Wetland Buffer Disturbance_3.15.24.pdf; 2024-03-18T09-53-55_RespondetoSubmission423PR09076.pdf

We have reviewed the NOIA with the Client and have drafted the applicable responses below/enclosed. After reviewing the NOIA, we realized there was some confusion from application with multiple sets of site plans. Enclosed is the latest set of site plans which already addresses/clarifies your questions regarding the requested disturbance dimensions, cuts, fills, stockpiles, etc. In addition, the latest “no effect” letter from SHPO is also enclosed for your records.

NOIA Application ID: 8-2644-00029/00007
Egypt Park Section (FIG-05-R1)

1. Client proposes to selectively cut trees within pasture area that are an imminent danger to animals (ash trees).
2. Disturbance to the buffer has been minimized to the greatest extent possible in this location. There is currently a fence-line as well as a walking path/trail within FWW AA. The minor proposed pathway/fence posts will not pose a significant impact.

Main Campus (FIG-04-R1)

3. Please review enclosed plans – Client is open to some on-site mitigative measures to help offset this minor impact.
4. Not applicable, comment refers to old site plan. See new plans.
5. Not applicable, comment refers to old site plan. See new plans.

East Campus (FIG-03-R1)

6. Details surrounding the farm access path are noted in attached site plans as well as dimensions, materials, cuts, fill and stockpile locations. The proposed road will be pervious as required by DEC.

Additional information from original Application: *‘The proposed access road is partially located within the buffer of Wetland W2 due to several safety issues of an entry further south along Victor Road. Based on the site grading, the speed of traffic, limited shoulder, turning access and a blind curve along east side of Victor Road, there would be a large safety concern for anyone entering or exiting the proposed facility in this area. Thus, the proposed entrance is proposed further north for safer egress to campus’*

7. All fences, drainage practices, pastures, and structures are outside of the FWW AA. A vegetative buffer is proposed. Only impacts are summarized above in no. 6. We have removed any and all impacts that are not necessary to the expansion and don’t directly affect our employee’s and animal’s safety.

Equine Site (FIG-02-R1)

8. Please see revised site plans. Client is proposing light grading of 0.06 acres along farthest edge of the FWW AA and installation of storm pipe from proposed bioretention area. Please advise of DEC's updated review of this and if minor mitigative measures are needed.

If easier and more expeditious, Client and DIEHLUX would be happy to jump on a call to keep this review as quick as possible.

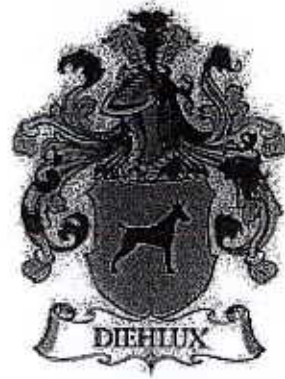
Thank you,

Travis Money

Sr. Vice President & Manager of Ecological Services

DIEHLUX

Innovative Ecological and Natural Resource Consulting Services




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East Bloomfield, New York 14469
(585)-369-8827

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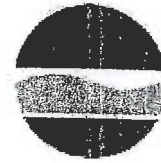


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New York State Department of Environmental Conservation
Notice of Incomplete Application - This is NOT a Permit



Application ID: 8-2644-00029/00007

Batch Number: 1018759

Facility: LOLLYPOP FARM
99 VICTOR RD
PERINTON, NY

Contact: TRAVIS MONEY Owner ID: 1754879
DIEHLUX LLC
2434 CO RD 39
EAST BLOOMFIELD, NY 14469

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TOWN OF PERINTON

Permit(s) Applied for: 1 - Article 24 Freshwater Wetlands

Project Location: in PERINTON in MONROE COUNTY

Your application for Permit is incomplete. The following items are required:

Egypt Park section

Clearing vegetation and trees in the wetland or AA does not appear to meet permit issuance standards for the area marked "TREE CLEARING" within the AA on plan sheet EP C101 (p.317/450).

1. Please provide reevaluated plan to show that the proposed work avoids clear-cutting as defined in 6CRR-NY 663.2(i).
2. Please revise so that all areas of fences, trails, drainage practices, pastures, and structures are outside the wetland and its 100' wetland adjacent area (FW AA)

Main Campus

3. With regard to the proposed driveway in previously disturbed area to the other side of railroad bed/hiking of the wetland, the trail is partly in FW AA. A vegetated buffer should remain or be established between the new driveway and the trail.
4. The Conceptual plan (p. 314/450) shows a trail system that is not shown entirely in the site plans, and that appears to be within the wetland and 100' adjacent area. Constructing a trail may require a permit depending on the details of its construction. Please update site plans to include all proposed activities and uses of areas within any State regulated wetland or 100' adjacent area.
5. Does the proposed pond have an inlet and outlet? Water diverted to or from the wetland could result in changes in wetland hydrology, nutrient loading, pesticide contamination, or other associated impacts. Please show an inlet and outlet, and expected drainage path (if applicable) for the proposed pond.

East campus

6. Please provide details for the proposed farm access path. Details should include but are not limited to: dimensions and materials, amount of excavation and fill required, and stockpile locations. This path should be minimally sized and constructed as a permeable surface.
 - There appears to be space on the West side of the East campus parcel that could be utilized to allow the East campus and Equine center to avoid wetland impacts.
7. Please revise portions of fences, trails, drainage practices, pastures, and structures to be

outside the wetland and 100' adjacent area.

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Equine site

TOWN OF PERINTON

8. All portions of fences, trails, drainage practices, pastures, and structures should be moved outside the wetland and 100' adjacent area. Please provide revised plans to show this.

Thank you.

*Please submit requested information by June 08, 2024
No further action can be taken until all of these materials are received.*

Contact Person:

GUILLERMO R SAAR
NYSDEC
6274 E Avon-Lima Rd
Avon, NY 14414

Signature: G. Saar

Date: March 08, 2024

Telephone Number:

585 226 5391

3/15/2024 9:01:07 AM
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SCALE: 1" = 50'