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Memorandum

To: Town of Southeast Town Board
From: Ashley Ley, AICP and Anthony Russo
Date: October 31, 2014
Re: Crossroads 312 FEIS
cc: LADA, PC

This memorandum summarizes AKRF's review of the revised draft Crossroads 312 FEIS received on October 17, 2014. The revisions to the FEIS were in response to comments from the Town's consultants, including an AKRF memo dated August 20, 2014.

It is important to note that the Final Environmental Impact Statement (FEIS) is the Lead Agency's document, which in this case is the Town Board of the Town of Southeast. As such, the document should be written in the voice of the Town Board, and should reflect the majority's opinion. It is standard practice for the preliminary draft of an FEIS to be prepared by the applicant, and then reviewed by the Town Board and its consultants. The comments that the Lead Agency concurs with should be integrated into the FEIS. Since the public hearing process has closed, any changes required by the Town Board should simply be made to the document, and not in a response to comments fashion. As such, the proposed Chapter 25, "Response to FEIS Review Comments," while helpful in reviewing the revised document to identify where and how the consultant comments have been addressed, should not be included in the FEIS. Instead, the actual responses to the public's comments should be updated and additional information provided as necessary. While the Town Board and its consultants comments at this point in time are part of the public record, they should not be included in the FEIS except to the extent that the changes requested are addressed.

The following memorandum includes AKRF's comments from the 8/20/14 memorandum in *italics*, and identifies how they have been addressed in **bold**. AKRF's comments on the RTCs are organized by chapter, and reference the numbering system utilized in the FEIS (e.g. HK-1).

We would recommend that a meeting be scheduled with the Applicant for the benefit of reviewing these comments and the best approach for making revisions to the FEIS document.

A. GLOBAL COMMENTS

- *The FEIS is organized in a non-traditional fashion. Typically, an FEIS has the following chapters: (1) Executive Summary; (2) Project Description; (3) Potential Impacts of the Proposed Project; and (4) Response to Comments. Chapter 3 would typically be the place to describe the potential impacts of*

the changes to the project since the DEIS. Instead, this FEIS includes that analysis within the Response to Comments section where it is organized by topic. However, this analysis is not consistently applied across the RTC chapters. If a summary of impacts chapter is not provided, then each RTC chapter should include an introduction describing how the changes to the project would or would not affect the potential impacts analyzed in the DEIS.

This comment has been insufficiently addressed. The applicant has provided an introduction section to every chapter except “Erosion Control, Energy, and Sanitary Sewer.” An introduction should also be provided to this chapter.

- *The FEIS includes responses to some comments that are not relevant to the Proposed Project and that are out of scope of the SEQRA process. In most instances, it is best to respond to these types of comments by simply stating “Comment noted. This comment is not within the scope of this FEIS,” rather than trying to answer a question that is not within the Town’s purview.*

This comment has been satisfactorily addressed.

- *Unless something is absolute (i.e. “will be required”), the FEIS should utilize “would” instead of “will.”*

This comment has been satisfactorily addressed.

B. EXECUTIVE SUMMARY

- *Section C on page EC-8 presents the changes to the project since the DEIS. A side by side comparison (e.g. a table) of the DEIS versus FEIS project would be helpful to the reader in this location.*

A table has been added as requested. Recommended clarifications are provided in the table below, and the applicant should provide the additional information identified by [redacted]:

Project Component	DEIS	FEIS
Building Program		
Retail Square Footage	186,000 SF	143,000 SF
Hotel	No (200 room hotel provided as Alternative)	Yes – 100 Room
Restaurant	[redacted] SF	[redacted] SF
Bank	[redacted] SF	[redacted] SF
Maximum Height	[redacted] stories	[redacted] stories
Anticipated water usage	7,042 GPD	22,295 GPD
Site Plan		
Number of Parking Spaces	800	721
Impervious Surface	16 acres	14 acres
Site Disturbance area	+/- 31 acres plus stormwater discharge locations (3 to 5 acres)	+/- 35 acres (includes stormwater discharge areas)
Stormwater infiltration provided	No	Yes
Site Access	Two driveways	One access point
Wetland Disturbance	None	None
Wetland Buffer Disturbance (Town)	1 acre	0.61 acres
Road improvements	Yes	Yes (no change)

- *On page ES-14, the sentence “No new sewage discharges are required in the NYCDEP watershed” is confusing and should be re-worded.*

This comment has been satisfactorily addressed.

- *The first paragraph on the top of page ES-15 is confusing and would be aided by the addition of a table to page EC-8 as recommended. This paragraph could be revised to simply state, “As a result of comments from the Town and the public, the proposed project has changed. As such, the DEIS evaluated a greater number of vehicle trips than would be generated by the program evaluated in the FEIS...”*

While portions of this comment were addressed, the paragraph needs further clarification. Please see attached marked-up page.

C. PROJECT DESCRIPTION

- *The first paragraph on the top of page 2 should be re-worded to be in the Town Board’s voice.*

This comment has been satisfactorily addressed.

D. GENERAL

- *It is unclear as to why the comments and responses in the “General” chapter are labeled “HK.” Also, this chapter does not align with a typical FEIS format and the response to comments in this section could be integrated into either the Project Description, or the area of analysis that best fits the comment.*

The applicant has provided a response to this comment in Chapter 25. However, comments have not been further organized. Since this is a stylistic concern and not a substantive one, the Town Board may choose to disregard this recommended change which primarily relates to the readability of the document.

- *HK-7: The sentence that starts, “To the extent the Town Board may have discretion...” should be deleted.*

This comment has been satisfactorily addressed.

- *HK-10: The last sentence should be revised as follows, “The plan proposed in the DEIS is not the final plan. Projects typically evolve as they move through the SEQRA process in response to comments from the Town and public. As such, the Proposed Project has been revised since the issuance of the DEIS. It is anticipated that further changes will be made as the Project proceeds with Site Plan and Special Permit approval. However, any further changes would be limited by the requirements of the Findings Statement.”*

This comment has been satisfactorily addressed.

- *HK-12: This response should be amended as follows: “The northeastern half of the property was owned by the Warm family prior to 1985 when the property was zoned M-2 (Manufacturing). This property was rezoned to OP-1 in or about 1991. The southwestern half of the property was purchased in the 1990s when the property was zoned OP-1. The full property was the subject of a conditional rezoning to HC-1 adopted September 19, 1996, but it failed to comply with pre-conditions of rezoning local law and reverted to OP-1. It was rezoned to RC in or about 2004, following the adoption of the 2002 Comprehensive Plan.”*

The text was substantially revised per the above comment, but still contains errors. The last sentence is incorrect (the property has been RC since 2004 not 2010), and should be revised as follows: “However, by 2001, the property reverted to OP-1. It was rezoned to RC in or about 2004, following the adoption of the 2002 Comprehensive Plan.”

- *HK-15: It should be made clear in this response that the applicant will be responsible for the funding for the installation of all improvements. Any pursuit of grants will be at the applicant's time and expense.*

This comment has been insufficiently addressed. The response to this comment should be revised as follows: “The applicant will be responsible for the funding for the installation of all improvements. However, the applicant is not precluded from pursuing grants or other funding as many of the required improvements will benefit the overall roadway system. Any pursuit of grants will be at the applicant's time and expense, except to the extent that any grant or funding application requires a local or county sponsor. It is anticipated that the maintenance of state highway improvements will be undertaken by NYSDOT.”

- *HK-22 and HK-23: These comments are not substantive to the DEIS. Please refer to suggested language above.*

This comment has been satisfactorily addressed.

E. ARCHITECTURE

- *Arch-3: Remove the words “and labor” from the response.*

This comment has been satisfactorily addressed.

- *Arch-4: Add to the beginning of the response, “All architectural elements are subject to Site Plan approval by the Town of Southeast. Any changes requested by a tenant to the architectural plans that may be approved for this site will be subject to all Town laws and subject to Town approvals.”*

This comment has been satisfactorily addressed.

F. LAND USE, ZONING, AND PUBLIC POLICY

- *LU&Z-3: The comment is incorrectly paraphrased and should be revised as follows:*

“The applicant proposes to allow the Town Board to “permit minor modifications or waivers” of any of the Town's performance standards identified in “§138-12” for the development of a Large Retail Center. The performance standards identified in §138-12 are currently applicable to all uses of land and buildings and other structures in the Town, and regulate the following areas: dust, dirt, fly ash and smoke; odors; gases and fumes; noise; vibration; wastes; glare and heat; danger; ridgeline protection; stone wall, stone chamber, and root cellar protection; and stormwater. It appears, based on the DEIS text which only describes waivers of ridgeline protection and manufactured slopes (138-15.1), that this reference should be to “138-12.I” specifically, as such, the Zoning Petition should be corrected. In addition, the second reference in Section 2 to 138-15.1 should also be corrected.”

This comment has been insufficiently addressed. The reference should be to §138-12.I not §138-12.1.

- *LU&Z-3: The response should be revised to state that the zoning petition will be revised to only permit minor modifications or waivers to ridgelines and manufactured slopes, and will exclude the remaining performance criteria.*

This comment has been satisfactorily addressed.

- *LU&Z-4 and LU&Z-5: These responses should be updated based on the Comprehensive Plan Update that the Town Board is considering for adoption on August 21, 2014.*

This proposed response to LU&Z4 contains factual errors and insufficiently addresses the comment. It should be replaced in full with the following response:

“The Applicant has proposed an amendment to Section 138-63.4 of the Code of the Town of Southeast which would add subsection F, allowing the Town Board to modify or waive the

requirements set forth in Sections 138-12.I and 138-15.1 of the Town Code. No performance criteria are proposed by the applicant.

However, the Town of Southeast Comprehensive Plan Update adopted on August 21, 2014 recommends the adoption of a Ridgeline Development Permit. Development within a ridgeline would be subject to a public hearing and permit approval by the Town Board, with review and recommendation by the Planning Board. The Comprehensive Plan Update further recommends that the development approval be contingent on the following performance criteria:

- *Buildings, structures, towers, storage tanks, or other improvements should not be visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding private property or public rights-of-way in adjoining lowlands or adjoining ridgelines by cause of excessive clearing, building or structure height, or location of any building or structure with respect to the top of the ridgeline. Development within a ridgeline area should be carefully evaluated during site plan review. The developer should be required to submit detailed viewshed analyses and alternatives so siting choices can be evaluated by the Planning Board.*
- *Buildings should be sited to minimize intrusions into viewsheds. This can be achieved by taking advantage of topographic changes and existing vegetation.*
- *Buildings and other structures should be placed to maintain the harmony between the built and natural environment and not change the sequence of views to or from other areas of the Town. Objects such as dumpsters, antennas, satellite dishes, and solar panels should be screened. Where practical, development should occur at the edge of wooded and open areas.*
- *Development of parcels containing steep slopes should be evaluated during site plan review to minimize the potential for erosion and visual intrusion.*
- *Excessive clearing of any ridgeline should not be permitted for the purpose of site access, site landscaping, installation of subsurface sewage disposal systems, or any other modification to the natural land. The term “excessive clearing” means the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed.*
- *Lighting of building and parking areas within a ridgeline area should be dark sky compliant. All exterior lighting should utilize full cut off fixtures. Berms and evergreen buffers should be used to further shield views of lighted parking areas and buildings from off-site locations. Exterior lighting should be zoned so that only those lights which are necessary for health and safety remain on after hours.*
- *Ridgelines should be designated as the uppermost 50 vertical feet of a hill or mountain above a minimum elevation of 500 feet above mean sea level.*
- *Promontories should be designated as the high point of land or rock projecting into a body of water or a local summit(s), ridge(s), or high point(s) along a ridgeline measured to a maximum of 150 horizontal feet but no more than 75 horizontal feet on any side.*
- *Visual analysis of potential impacts to ridgelines should be conducted in the leaf-off season.*

The above language is currently a recommendation in the Comprehensive Plan, and has not been codified into the Town’s Zoning Ordinance. However, the local law proposed by the Applicant, if adopted, would require the Town Board to consider the project’s consistency with the Comprehensive Plan. As such, the proposed development would be required to be reviewed against the above criteria during site plan review.”

Response to comment LU&Z 5 is also factually incorrect, and should be replaced in full with the following response:

“Please refer to response to comment LU&Z 4 for a description of the ridgeline protection measures proposed by the Comprehensive Plan Update. The Town Board will consider the overall merits of the Applicant’s proposed local law, as well as the proposed language in the Town’s Comprehensive Plan Update, and will pursue the legislation that best balances natural and visual resource protection with economic development. Since the Town Board has the sole authority to adopt local zoning laws, it may amend the text proposed by the Applicant to include measures recommended by the Comprehensive Plan Update.

Notwithstanding the foregoing, as shown on Map 12, a portion of the ridgeline adjacent to I-84 would be preserved as an environmental conservation buffer. As shown in the cross sections of the site (see Map 21 and Illustrations 10 through 12.10) the proposed rooflines would be below the tree line of the preserved ridge. As such, the proposed project would be substantially screened from I-84. The proposed project would be visible from the North Brewster Road neighborhood (see Illustrations 12.4 through 12.8), but from most locations the view would be buffered by existing trees, and the proposed buildings would be at a slightly lower elevation than the North Brewster neighborhood. To avoid visual impacts, the Applicant will be required to utilize full-cut off LED light fixtures that meet the International Dark-Sky Association criteria. The use of this type of lighting fixture, as well as requiring plantings along the southern edge of the proposed parking area, will minimize the potential visual impacts of the project to nearby residential neighborhoods, particularly at night.”

- *LU&Z-6: This response is not-responsive. If the applicant is unable to demonstrate what 10% would look like, then how can the Town be expected to regulate it? What would constitute 10%?*

The provided response is insufficient and is written in the Applicant’s voice. AKRF recommends that the response be replaced in full as follows:

“The Applicant’s proposed local law would allow Town Board to modify or waive the provisions of 138-15.1, which regulates manufactured slopes and retaining walls. The Zoning Petition, if granted, would allow the Town Board to grant a waiver of up to 10% of the requirements of 138-15.1. The Applicant has been unable to provide the Town with an example of what this would look like, or to further define what 10% would mean in terms of the proposed site plan. As such, the Town Board finds that the proposed 10% waiver is too difficult to define and thus impossible to regulate. As such, specific dimensional regulations should be proposed in lieu of the 10% waiver.”

G. COMMUNITY SERVICES

- *Community Services: Throughout this Chapter, the figures cited for tax revenue generated by the Project do not match the figures provided on page 1 of the Economic Conditions Chapter. Please revise.*

This comment has been satisfactorily addressed.

- *CS-1: This response does not address the comment. The response needs to be revised to include information on anticipated call volume to the project, as well as mitigation measures (fire-suppression, security) that would be implemented to reduce project impacts.*

This comment is insufficiently addressed. The response should be replaced in full as follows, and the Applicant should fill in the identified data gaps below:

“The Putnam County Office of the Sheriff (please refer to the letter at the end of this chapter) indicates that the existing Highlands Shopping Center generates 2 to 4 calls per week. Based on this experience, it is anticipated that the Proposed Project would generate a similar call volume.

Both the Putnam County Office of the Sheriff and New York State Police (please refer to the letter at the end of this chapter) indicate that they have sufficient capacity to handle the anticipated call volume from the proposed Crossroads 312 shopping center. However, to further minimize any demands on local community service providers, the proposed development includes the following fire suppression and security features: [REDACTED] [APPLICANT TO LIST BUILDING/SITE FEATURES SUCH AS BUILDING SPRINKLERS, FIRE HYDRANTS OR OTHER FIRE SUPPRESSION SYSTEMS; AND SITE SECURITY FEATURES SUCH AS CAMERAS.]”

- *CS-3: Please reference the correspondence from the fire department.*

This comment has been insufficiently addressed. The response should be replaced in full as follows:

“The Brewster Southeast Joint Fire District, in a letter dated December 12, 2012, has indicated that they have sufficient means to accommodate the anticipated demand of the Proposed Project, and will not require additional man power or equipment. Please refer to the letter at the end of this chapter.”

H. ECONOMIC CONDITIONS

- *The economic analysis contained in the DEIS and the FEIS did not use industry standard methodologies or modeling, and instead relies heavily on an “independent retail leasing and construction advisor.” AKRF is concerned that this presents a potentially inflated and unsupported economic benefits analysis, and recommends that it be substantially revised and supported through standard modeling such as IMPLAN. In particular, the responses to comments EC-6 through EC-13 are insufficient.*

This comment is insufficiently addressed. AKRF continues to have concerns relating to the reliability of the data provided.

- *EC-1: Additional information about local journey-to-work data, or local unemployment, etc, would improve this response.*

This comment has been satisfactorily addressed.

- *EC-3: This response is not responsive to the comment. Information is being sought regarding similarly sized and populated shopping center which may compete with Crossroads.*

This comment has been satisfactorily addressed.

- *EC-14: This comment is incorrectly paraphrased and should be reworded as follows:*

“The amount of County sales tax reported is defined incorrectly. If the County sales tax should in fact be equal to “4.12 cents per dollar of sales tax collected by NYS” then the County sales tax should be \$331,248. In other words, please clarify whether the 4.12 percent would be applied to the state sales or the state sales tax.”

This comment has been satisfactorily addressed.

- *EC-14: This response should be revised to more directly respond to the comment.*

The response should be further revised as follows:

“The wording contained in the DEIS was incorrect. The Putnam County Assessor’s Office has indicated that the sales tax rate in Putnam County is 8.375%. Of this rate, 0.375% is directed toward the MTA, the remaining balance is divided evenly between the state and the county with 4% each.”

NEW COMMENT: the applicant's proposed revision to response to EC-14 indicates that the MTA tax is 0.375%. However, response to EC-15 indicates that the MTA tax is 0.0375. If the revision to EC-14 is correct, then EC-15 should state 0.375% or 0.00375.

- *EC-16: This response does not address the comment, which asks for the trade area to be estimated using another source.*

This comment has not been addressed.

- *EC-25: This response should reference the more robust discussion of community service impacts found in the previous chapter.*

The Applicant states in "Chapter 25" that this comment has been addressed, however page 12 of the Economic Conditions chapter was not provided so this could not be verified.

- *EC-27: This response should be revised based on the updated analysis requested above.*

The sentence starting with "The Town Planner..." should be replaced with the following:

"As discussed in Comment EC-12 above, the Town Planning Consultant used IMPLAN to check the anticipated employee compensation based on the number of employees provided by the Applicant. Based on the Applicant's estimated number of employees, IMPLAN calculates approximately \$8,762,070 in direct employee compensation or \$7,294,110 income alone."

- *EC-29: Please remove the statement that the Tax Assessor has seen no impact on value of properties that have a view of Highlands. The tax assessor states that she has not tracked such information.*

This comment has been satisfactorily addressed.

- *EC-31: \$81M is not 18% of \$303M. This figure needs to be revised.*

The figures still do not compute. Based on the information provided, Southeast's share of the expenditure gap should be +/- \$54,540,000

- *EC-33: This response is not complete or adequate. Taxes paid by Highlands should be presented at the earliest year that the project was fully assessed AND they should be presented in 1997 dollars, or, alternatively, the \$763,181 estimate should be converted to the year in which the tax receipts are presented. In addition, information on other tax revenues, including sales taxes, should be presented, if available.*

This comment has been satisfactorily addressed.

- *EC-34: Please confirm that the current building space of the Highlands is the same as what was proposed in the DEIS. In addition, please provide a source for the full and part time employment figures as 880 full-time employees appears to be quite high.*

This comment has been satisfactorily addressed.

I. VISUAL RESOURCES

- *As discussed above, an introduction describing the changes to the proposed project and any potential visual impacts (or reduction in visual impacts) should be provided at the beginning of this chapter. This should include references to the new maps and analyses provided.*

This comment has been satisfactorily addressed.

J. NATURAL RESOURCES

The Town Wetland Inspector will be providing further comments on this chapter. However, AKRF notes the following:

- *NR-1: This response should state that the runoff collected from Route 312 will be runoff from existing pavement that is currently not subject to stormwater collection and treatment and that this is in addition to the collection and treatment of stormwater from pavement within the new lane being created.*

This comment has been satisfactorily addressed.

- *NR-4: This response does not seem to address the potential impacts on special concern species.*

The response has been updated. However, the mitigation for the loss of habitat is not provided. As such, the Town Board may consider identifying this habitat loss as an impact that cannot be mitigated.

K. GEOLOGY

The Town Engineer will be providing further comments on this chapter. However, AKRF notes the following:

- *Geo-4: This response does not respond fully to the comment. A description of the blasting plan should be provided.*

This comment has been satisfactorily addressed. The Applicant has amended the response to state that the blasting plan will be provided as part of the construction permit application.

L. WATER RESOURCES AND WETLANDS

The Town Wetland Inspector will be providing further comments on this chapter. However, AKRF notes the following:

- *WRW-1: More detail on the phosphorus load analysis on which base conclusion of final paragraph should be provided.*

The response has been amended. However, the new reference to the “Stormwater chapter” should be clarified – is this referencing the DEIS or FEIS?

- *WRW-9: The monitoring plan needs to be edited. Specifically, the following should be addressed:*
 - *The process for selecting the Environmental Monitor*
 - *That the Applicant shall pay for all necessary monitoring*
 - *The board to which the monitoring reports should be submitted should be identified*
 - *Penalties for non-compliance and/or bonding for maintenance and repair should be discussed.*
 - *What happens after year 5 should be addressed.*

This comment has not been addressed. An updated monitoring plan was not provided.

- *WRW-13:*
 - *Clarify that the project would be served by a private sewage treatment system.*
 - *More explicitly state why the project would not impact Lake Tonetta. Water drains from site and flows to ____ and not Lake Tonetta. Water from Lake Tonetta flows _____.*

This comment has been satisfactorily addressed.

- *WRW-14: This response does not answer the question posed. While the project may be using existing wells, there will be increased demand on those wells.*

This comment has been satisfactorily addressed.

M. WATER SUPPLY

The Town Engineer will be providing further comments on this chapter. However, AKRF notes the following:

- *Water Supply-Intro:*
 - Note on page 1 that for retail use, the estimated water rate applied (0.011 gpd/s.f) is increased by 50% in order to be conservative since the rate was derived from metered data.
 - Re-phrase last paragraph on page 2. “...For the proposed system, well #2 at 35 gpm is 6.0 gpm under the twice average day requirement of 41 gpm. Therefore, the Applicant proposes to use the existing Terravest ‘fire protection’ well, which currently supplies the fire protection system for Terravest. See response to Comment #WS-1). The Terravest ‘fire protection’ well is estimated to have a yield of 6-8 gpm. The Terravest ‘fire protection’ well is 600 feet deep and is equipped with a IHP submersible pump set at 560 feet. A 72 hour pump test will be conducted on the Terravest ‘fire protection’ well. If the test shows a sustained yield of 6 gpm, then together with Well #2 at Terravest-3, the project would be able to meet the 40.5 gpm requirement with the highest yielding well in the system (Well #1 at Terravest-3) out of service.”

This comment has been satisfactorily addressed.

- *WS-several:* Please take out the numbers that begin each comment and align the text of the comment similarly to other comments.

This comment has been satisfactorily addressed.

- *WS-3:* Clarify response to affirmatively state that an Article 15-Water Withdrawal permit would be obtained.

This comment has been satisfactorily addressed.

N. SANITARY SEWAGE AND STORMWATER MANAGEMENT

The Town Engineer will be providing further comments on this chapter. However, AKRF notes the following:

- *San-1:* In Table A, the total GPD to WWTP should be 35,973 based on figures in column.

This comment has been satisfactorily addressed.

- *San-6:*
 - The remaining flow cited in this response does not match the remaining flow in Table A.
 - Re-word second paragraph of response. “The only uses within Terravest that have requested connection to the wastewater treatment plant are Ace Endico and Westchester Tractor. While it was originally projected that the uses in T-1 would utilize 21,456 gpd, not uses have yet requested connection. It is expected that future uses within T-1, T-2, and T-3 will therefore require little in the way of water and sewer service, thus freeing up capacity to serve Crossroads. Therefore, caps on development within Terravest are not necessary at this time. Limits may become necessary in the future should actual water usage within Terravest or Crossroads become higher than presently anticipated.”

This comment has been satisfactorily addressed.

- *San-9:* This response should also reference San-6.

This comment has been satisfactorily addressed.

O. STORMWATER MANAGEMENT

The Town Engineer will be providing further comments on this chapter. However, AKRF notes the following:

- *Storm-9: Confirm that the mitigation proposed for the wetland buffer disturbance (ie, capturing runoff from existing pavement of Route 312) will be in addition to the mitigation proposed for widening Route 312 (ie, capturing runoff from existing pavement of Route 312). An appropriate amount of mitigation, (ie, capture of pavement runoff) must be installed for both impacts.*

This comment has been not been sufficiently addressed. The response that was provided in Chapter 25, should have been integrated into the response to Storm-9.

- *Storm-18: This response does not fully respond to the comment.*

This comment has been satisfactorily addressed.

- *Storm-31 and Storm-33: These comments have no attribution.*

This comment has been satisfactorily addressed.

P. EROSION CONTROL

AKRF has no further comments on this chapter

Q. TRAFFIC AND TRANSPORTATION

REVIEW OF THE RESPONSE TO COMMENTS

- *Traffic 18 – response states a separate Highway Safety Investigation was conducted with the latest available accident data for Independent Way/ NYS Route 312 and at the Applebee’s driveway. What was the conclusion from that investigation?*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

- *Traffic 19 – please strike the word unavoidable from the response (see attached for revised language).*

This comment has been satisfactorily addressed.

- *Traffic 22 and 23 – Traffic 22 states that Farm to Market Road was not included in the analysis since site traffic is not expected to utilize these roadways. However, in Traffic 23 it is stated that Farm to Market Road would carry 10, 12, and five percent of the site traffic during the weekday morning, weekday afternoon, and Saturday midday peak hours.*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

- *Traffic 39 – See attached edit. Also, the response needs to more accurately explain why the use of ITE Trip Generation Manual estimates are conservative relative to the full build out conditions for Highlands’ project based on data collected for the 2014 Crossroads traffic study. It’s recommended to show in tabular format a comparison of the ITE Trip Generation Manual estimates for a shopping center versus the actual counts conducted at the Highlands.*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response. In addition, the response should state that it used ITE for Trip Generation rates.

- *Traffic 40 – A more detailed explanation is required that illustrates how conditions with the use of Intelligent Transportation System (ITS) infrastructure implemented as part of the project would*

improve conditions along NYS Route 22 over Existing and No Build conditions. Also, does this assessment assume that all proposed improvements were approved by NYSDOT? It still must be determined if certain intersections where traffic signals were proposed satisfy signal warrants and if NYSDOT is in agreement with these measures.

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

GENERAL COMMENTS ON FEIS TRAFFIC IMPACT STUDY

- *Trip Generation - A 25 percent pass-by credit is reasonable to assume, however, the pass-by credit should be applied to the total trip generation and balanced for the entering and exiting trips. Table 4 in the traffic study shows the pass-by credit applied to both the in and out trips, resulting in an unbalanced pass-by credit*

This comment has been satisfactorily addressed.

- *Trip Assignment – The driveway across from the I-84 Westbound Ramp does not have vehicles making a northbound right-turn out of the site and westbound left-turn vehicles into the site. While the secondary driveway to the east does show these movements, it would be expected some vehicles would exit from this driveway at I-84 to travel east. In addition, since a westbound left-turn lane is proposed for at the I-84 intersection into the site, some volumes should be shown making this movement to verify the need for the left-turn lane as well as show if the protected westbound left-turn lane would impact operations of the eastbound through movement.*

This comment has been satisfactorily addressed.

REVIEW OF SYNCHRO/SIMTRAFFIC

- *SimTraffic – a review of the SimTraffic model shows that all vehicles are being served during the peak hour and there are no coding issues. However, it should be noted the simulation was run three times with the results averaged, while according to FHWA's Traffic Analysis Toolbox Volume III: Guidelines for Applying Traffic Microsimulation Modeling Software report, the simulation should have been run eight to 12 times. AKRF did run the simulation ten times which showed similar results presented in the traffic study.*

This comment has been satisfactorily addressed.

- *The intersection of NYS Route 312 and North Brewster Road should also be analyzed assuming that the proposed new church driveway would be aligned opposite North Brewster Road.*

This comment has been satisfactorily addressed.

- *Signal timings -, the coded traffic signal timings for the Synchro files of the Crossroads 312 TIS were compared to the provided New York State Department of Transportation (NYSDOT) traffic signal timing plans for the following intersections:*
 - *NYS Route 312 and U.S. Route 6*
 - *NYS Route 312 and Independence Way/I-84 Eastbound Ramps*
 - *NYS Route 312 and I-84 Westbound Ramps*
 - *NYS Route 312 and International Boulevard*
 - *NYS Route 312 and Brewster Hill Road/Farm To Market Road*
 - *NYS Route 312 and NYS Route 22*

Based on this review, we have the following comments (see attachment A for examples):

1. *The provided NYSDOT signal timing plans for the following intersections are outdated and have been superseded by newer signal timing plans; (1) NYS Route 312 and Independence Way/I-84 Eastbound Ramps (2012) , (2) NYS Route 312 and I-84 Westbound Ramps (2010), and (3) NYS Route 312 and Brewster Hill Road/Farm To Market Road (2012). In the case of the NYS Route 312 and Independence Way/I-84 Eastbound Ramps intersection, the provided NYSDOT signal timing plan includes a schematic of the old intersection geometry prior to the improvements which provided additional lanes at each one of the approaches. A newer signal timing plan is on file with NYSDOT which contains an updated schematic which matches the current geometry of the intersection which was coded into Synchro. The updated signal timings should be obtained and the signal timings in Synchro should be updated accordingly.*
2. *The intersection of NYS Route 312 and International Boulevard is coded as a (fully) actuated-coordinated signal. The provided NYSDOT signal timing plans indicate that the signal at this intersection is a semi-actuated signal. The Synchro files should be updated to correct this.*
3. *For the intersection of NYS Route 312 and Brewster Hill Road/Farm To Market Road, the most recent NYSDOT signal timing plans (2012) indicate that the Eastbound/Westbound NYS Route 312 phase operates on Maximum Recall. The Synchro files at this location show this phase operating on Minimum Recall. The Synchro files should be updated to correct this.*
4. *For the intersection of NYS Route 312 and NYS Route 22, a NYSDOT signal timing plan was not provided as part of the backup. AKRF obtained a copy of the signal timing plans from NYSDOT and noted that when compared against the coded Synchro signal timings there were discrepancies between the some of the green, yellow, and, red timings, as well as cycle lengths. The NYSDOT signal timing plans indicate that the Northbound/Southbound NYS Route 22 phase operates on Minimum Recall while the Synchro files at this location show this phase operating on Maximum Recall. This intersection also shows different signal timings coded between Existing, No Build, and Build conditions for the AM and PM peak hours. The Synchro files should be updated as needed to address these comments.*

In addition to the items outlined above, each of the signalized study area intersections had some degree of discrepancy between the coded signal timings and the official NYSDOT signal timing plans provided (see attached backup summary tables). These discrepancies include green, yellow, and red times and cycle lengths. Each of the coded intersection signal timings should be re-examined and updated to reflect the most recent NYSDOT signal timing plans that are applicable.

This comment has not been satisfactorily addressed. AKRF has had conversations with FP Clark, and expect this information to be provided shortly.

R. AIR QUALITY

- *Air Quality Table 16-1A: The notes numbers at the bottom of the table are not visible.*

This comment has been satisfactorily addressed.

- *Air-2: Putnam County is listed as being in moderate non-attainment for the 1- and 8-hour ozone standard (see <http://www.epa.gov/oaqps001/greenbk/ancl.html#Notes>).*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

- *Air-8: The response does not address the comment, which requested information on the potential impact to air quality from the parking related uses and operations on the site.*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

S. NOISE

- *Noise-1: The response does not address the comment. The traffic levels along NYS Route 312 appear to be 10-12% higher during the peak period than during the period of 3pm-4pm.*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

T. ALTERNATIVES

- *Alt-1: This response does not address the comment, which states that a site plan that is more respectful of existing topography could be developed.*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

- *Alt-4: This response should refer to a specific comment/response in Chapter 11.*

This comment has been satisfactorily addressed.

- *Alt-7: This response should detail the source of the assumptions.*

This comment has been satisfactorily addressed.

U. MITIGATION MEASURES

- *Mitigation-Introduction: This section should list the mitigation measures proposed in each chapter.*

This comment has been satisfactorily addressed.

- *Mit-1: This response is contradictory with earlier statements in the FEIS, which state that wetland buffer disturbance would be mitigated by capturing and treating stormwater from existing portions of Route 312 in which the runoff is not currently captured and treated and where that runoff negatively impacts the wetland and buffer currently.*

This comment has been satisfactorily addressed.

V. GROWTH INDUCING AND CUMULATIVE IMPACTS

- *Growth-2: This response does not fully address the substantive comment raised. Information regarding the number and suitability of potential employees in the target area should be provided.*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

- *Growth-3: First word of second sentence should be 'every'.*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

- *Growth-4: This response is not adequate. Studying the potential impacts of the zoning text changes on other parcels currently zoned RC is an important part of an EIS that studies a zoning change. Other RC zoned properties that could meet the special permit criteria proposed by the zoning amendment should be identified.*

This comment is insufficiently addressed as the response has not been updated. The responses provided in Chapter 25 should be integrated into the actual comment response.

W. CONCLUSION

The above bolded comments reflect the items that AKRF recommends be addressed before the document is accepted as complete by the Town Board. Once these items, as well as the comments presented by the

Town Wetland Inspector and Town Engineer, have been addressed, AKRF would have no objections to the document being accepted as complete by the Town Board.

In our opinion, the majority of the above comments are technical clarifications that are required to fulfill the requirements of SEQRA. The remaining comments are intended to improve the readability of the document for the general public, which is also integral to the purpose of SEQRA as outlined in §617 of the SEQRA Regulations.

**CORRECTED
PAGES**

- Sanitary Sewer

No new surface sewage discharges are allowed in the NYCDEP watershed, therefore the existing sanitary sewage treatment plant at Terravest Corporate Park will be utilized for treating and discharge of sanitary sewer flows. The sanitary flows will include a grey water system which will recycle a portion of the water for reuse. The grey water system reduces both daily demand for water and the quantity ultimately discharged. A grey water system is a green technology designed as an environmental enhancement.

- Stormwater Management

Stormwater generated during construction will be mitigated through implementation of the SWPPP including the phasing of construction into five acre segments. On a phased basis, disturbances will be stabilized prior to initiating additional phases. Temporary sediment traps will be installed as required prior to discharge into sedimentation basins.

Upon completion of construction, stormwater quality will be treated and storm water quantity will be detained to pre-development levels. Standards of the Town, NYCDEP and NYCDEC for quality and quantity will be met. A treatment train is proposed of many elements each contributing to the enhancement of water quality. Stormwater will be collected in a piped system with catch basins having sumps. The one year (Design Storm) storm will be entirely infiltrated. Storms above the one year event will be treated in bioretention basins and then treated in a micro pool extended detention basins. Storm discharges will meet pre-development conditions for quality and quantity, see Map #17.

- Traffic and Transportation

As a result of comments from the Town and public, the proposed project has changed. As such the DEIS evaluated a greater number of vehicle trips than would be generated by the program evaluated in the FEIS. The DEIS program ~~which~~ was comprised of 186,000 S.F. retail and restaurant space. In the FEIS, the overall project has been reduced to 143,000 S.F. of retail and restaurant space and a 100-room hotel. The previous development program provided in the DEIS was anticipated to generate 254,729 and 1,004 primary vehicle trip ends during the weekday morning, weekday afternoon and Saturday midday peak hours. The proposed development program presented in the FEIS is anticipated to generate 170, 588 and 859 primary vehicle trip ends during the three peak hours, respectively.

Therefore, the proposed development program now being presented will result in a net decrease of 84,141 and 145 vehicle trip ends during the Study peak hours, respectively. The following paragraphs provide a brief description of the methodologies utilized in the analysis of the 143,000 S.F. retail and restaurant space and a 100-room hotel, the results of the analysis, and proposed mitigation. This analysis addresses all comments and concerns presented by the Town's Consulting Engineering firm during the DEIS process. A copy of the updated Traffic Report to reflect the FEIS plan is included in Chapter 15.

Comment LU&Z-2

Nor does the Local Law address which board would be responsible for any subdivision approvals, which is also the Planning Board's jurisdiction, that could be undertaken as part of the development of a large retail establishment (although not currently proposed for this project). (AKRF (11/12/2013))

Response:

The Crossroads 312 Project does not include an application for subdivision at this time. Therefore, it is not necessary for the Local Law to address authority for subdivision approvals. In any event, approval authority for subdivision applications shall remain with the Southeast Planning Board in accordance with Chapter 123 of the Town Code.

Comment LU&Z-3

- 4. The applicant proposes to allow the Town Board to "permit minor modifications or waivers of any of the Town's performance standards identified in Section 138-12" for the development of a Large Retail Center. The performance standards identified in Section 138-12 are currently applicable to all uses of land and buildings and other structures in the Town, and regulate the following areas: dust, dirt, fly ash, and smoke; odors; gases and fumes; noise; vibration; wastes; glare and heat; danger; ridgeline protection; stone wall, stone chamber, and root cellar protection; and stormwater. It appears, based on the DEIS text which only describes waivers of ridgeline protection and manufactured slopes (138-15.1), that this reference should be to (138-12.1), that this reference should be to "138-12.1" specifically as such, the Zoning Petition should be corrected. In addition, the second reference in Section 2 to 138-15.1 should also be corrected. (AKRF (11/12/2013))*

Response:

The provisions concerning Ridgeline Protection are set forth in Section 138-12(I) of the Southeast Town Code. The provisions concerning Manufactured Slopes are set forth in Section 138-15.1 of the Southeast Town Code. These typographical errors have been noted, and, an amendment to the Petition is included in this FEIS which identifies waivers for Sections 138-12(I) and 138-15.1 only.

Comment EC-32

How much of the sales tax generated by Crossroads 312 will go to Southeast? Please state in dollars or percentages? (Samantha Jacobs (11/08/2013) Alexander Abels (11/07/2013) (Robert Lund (10/24/2013) (Public Hearing 11/07/2013)

Response:

No sales taxes generated by any store in the county go to any town in the county, at present.

Comment EC-33

Have tax projections enumerated in the DEIS submitted for the Applicants earlier project in Southeast been realized? (John Lord (11/04/2013)

Response:

Yes, tax projections for the Highland were realized. At the time of the preparation of the 1997 DEIS for the Highlands, the project total property tax revenues were projected to be \$763,181 or as indicated from the Consumer Price Index US Inflation Calculator \$1,113,521 in 2013 dollars. In 2014, The Town Tax Assessor indicates total property taxes paid in 2013 were \$1,197,594.

Comment EC-34

Have employment projections enumerated in the DEIS submitted for the Applicants earlier project in Southeast been realized? (John Lord 11/04/2013) (Public Comments (11/07/2013)

Response:

Employment projections of 450 full time and 450 part time positions were made in 1997 when the DEIS was written for the Highlands. Specific tenants were not known at the time. It is estimated 880 people have full time employment and 420 people have part time employment at The Highlands.

Space

The Town also requested that the Applicant study traffic delays, traffic congestion and unsafe traffic operation at the following locations:

1. Route 312 at the Office Building Access Drive;
2. Route 312 at Zimmer Road; and,
3. Independent Way at the Applebee's/Home Depot Access Drives.

The minor road approaches/access drives at each of the aforementioned intersections are currently managed by two-way STOP control. Due to the high volume of through traffic within this Corridor, entering and exiting movements to/from these minor road approaches/access drives currently experience significant delays. Significant delays entering and exiting minor roads and access drives present a safety concern as drivers will be less likely to wait for acceptable gaps in traffic. Therefore, the Applicant proposed a second plan of action "The Possible Improvements," pending review from the New York State Department of Transportation (NYSDOT), which includes the installation of actuated Traffic Signals at the aforementioned locations interconnected with the existing and proposed traffic control system along State Route 312 to supplement the recommended improvements. Together the recommended and possible improvements will work together to improve traffic flow, alleviate congestion, reduce stops and delays and enhance traffic safety within the Study Area.

~~Both the Applicant and the Town Traffic Consultant recognized that~~ it would be difficult to realistically model and evaluate the performance of the Route 312 Corridor with the implementation of the possible and recommend improvements using conventional tools and methodologies (i.e. a macroscopic (SYNCHO) analysis). Therefore, a microscopic (SIMTRAFFIC) analyses or micro-simulation was undertaken as a supplement to the traditional macroscopic (SYNCHRO) analysis to further assess the traffic impacts associated with the proposed Crossroads 312 development. The microscopic (SIMTRAFFIC) analyses conducted evaluate the project based on two very important performance measures:

- Total Delay Per Vehicle; and,
- 95th Percentile Queue Lengths vs. Storage Available.

These performance measures are believed to more realistically represent future conditions within the Route 312 Corridor. The 95th Percentile Queue Lengths are critical in understanding whether traffic queues will exceed available storage and spillback into travel lanes, thus creating gridlock. In general, the results of the micro-simulation show that with implementation of the recommended and possible improvements, the Route 312 Corridor will operate with fewer delays and less congestion than it would otherwise in the no-build conditions, ~~and that it will recover quickly from any congestion and traffic generated by the proposed Crossroads 312 development.~~ The results of the 2015 build with improvements analysis indicates that of the aforementioned three key intersections provided in the 2015 no-build analysis summary only one will operate with moderate delays during some peak hours and one will have excessive queuing:

Comment Traffic-19

My second concern is the huge amount of increased traffic on the already congested Route 312. In that regard, here are other proposed projects in close proximity:

- *Gateway Summit (large residential development, retail and hotel just west of Simpson Rd)*
- *The Campus at Fields Corners*
- *500 New spaces at Southeast Station*
- *A private parking lot on Independence way*
- *Recreation on the Town-owned 10 acres near Tilly Foster*
- *A 24-hour Convenience Store at the 312/Route 6 Intersection.*
- *A gas station/Dunkin Donuts/convenience store at the 312/Route 22 intersection.*
- *The project in Dykemans, which may house towing and/or automobile repair.*

If these projects are built, Route 312 could come to a standstill (much more than it currently does) during commuting hours. Is this what we want in Southeast? What other projects in the area were included in the traffic study? Is anything missing? (Cathie Pavek-Sloat (11/12/2013) (Public Hearing (11/07/2013)

Response:

It should be noted that a 0.8 percent annual growth rate was applied to the 2012 baseline traffic volumes to account for other small developments in the area and general traffic growth. This annual growth rate was obtained from Socio-Economic and Demographic Forecasts' found in the 2010 to 2015 New York Metropolitan Transportation Council's Regional Transportation Plan. It is a very conservative estimate, which results in a significant traffic volume increase within the Study Area. In addition the following projects are anticipated to add traffic to the roadways and intersections within the Study area, which includes all the project on the list above except those which are too far from the project. The list of required projects was developed by the Town Planner:

Mount Ebo Corporate Center Lot 6;
Terravest 2 and 3;
Dykeman's (likely not to be built), Route 312;
Brewster Business Park;
Gasland, Corner of Route 22/312;
The Highlands Shopping Center;
The Stateline Commercial Development
Brewster Corporate Park; and,
MTA Parking Lot (500 Parking Spaces).

It should also be noted that the impact of the projected traffic volumes and approved other developments related traffic on the roadway network is ~~unavoidable and~~ will result in deterioration of intersection Level of Service and congestion. However, with the proposed mitigation associated with the development of Crossroads 312, the overall operation of intersection and roadways within the Study Area will improve upon the unavoidable 2015 No-Build conditions.

Comment Mit-1

The proposed project would likely involve disturbance to the wetland buffer for the construction of stormwater management facilities; as such the FEIS should include potential mitigation measures for the disturbance. (AKRF (11/12/2013))

Response:

The project will disturb approximately 26,680+/-sf of town designated wetland buffer, There is no NYSDEC 100' Wetland Buffer proposed to be disturbed. The disturbance of the Town buffer will be mitigated by the introduction of new plantings intended to establish new shrub and tree cover within the buffer area. In addition, a significant area of existing untreated impervious surface of Route 312 and parts of the I-84 ramp system will be treated on site through the project stormwater system.

