

### **III. EXISTING ENVIRONMENTAL CONDITIONS, ANTICIPATED IMPACTS AND MITIGATION**

#### **III.A Land Use and Zoning**

##### **I. Introduction and Principal Conclusions**

In the Applicant's opinion, the proposed logistics center use, zoning text and map amendment, subdivision, and site plan are consistent with the vision and goals of the Town's 2014 Comprehensive Plan Update (CPU) to balance a healthy economic environment with quality commercial character while protecting the integrity of the Town's natural resources and infrastructure. The proposed project provides significant economic development for the Town in terms of direct, indirect, and induced jobs, as well as millions of dollars of direct, indirect and induced economic output during both the construction phase and annually during the operations phase.

The proposed project protects the Town's natural resources with 82.6% open space, adherence to the Town's ridgeline protection measures, provision of a substantial natural buffer from roadways and residential properties, and other measures to protect the area's rural community character. Traffic improvements are proposed to protect the Town's highway infrastructure, with no significant impacts resulting from the proposed project with the mitigation measures in place.

##### **2. Existing Conditions**

###### **a. Existing and Surrounding Land Uses**

Figure III.A-I depicts the site location and the surrounding land use within the Town of Southeast. The project site is located in the northwest section of Southeast, and has frontages on both Barrett Road and Pugsley Road, with a small section abutting Fields Corner Road. The site is bounded on the north by the Patterson Town line, on the east by Pugsley Road, on the south by NY Route

312 and the Putnam County Tilly Foster Farm (which contains a culinary educational institute and associated Tilly's Table restaurant, community gardens, nature trails, and farm animals), and on the west by wetlands within the Twin Brook residential development. The Middle Branch of the Croton River runs north to south within a half mile to the west, with a stream running through the site draining into the river to the southwest.

The Town owns 2 vacant, unimproved parcels in the site's vicinity. One is to the northeast of the intersection of Pugsley Road and Zimmer Road (160 Pugsley Road, tax parcel ID 45.-1-10, comprising approximately 94.82 acres), and the other is to the southeast of the intersection of Pugsley Road and Zimmer Road (132 Pugsley Road, tax parcel ID 45.-1-11, comprising approximately 61.36 acres). The County owns a parcel at 100 Zimmer Road, to the east of the site, comprising approximately 10.03 acres (tax parcel ID 45.-1-60).

The site is currently vacant land, and is characterized by overgrown former farm fields. The open fields were once separated by stone wall fences and hedgerows, but now most of the former agricultural fields contain dense underbrush and small trees. There is no evidence of any prior buildings on the site. The site and the immediate surrounding area therefore have a rural community character.

I-84 is situated approximately 1,500 feet to the east of Pugsley Road. I-84 intersects NY 312 at interchange 19 to the south and east. Across the I-84 corridor to the east along International Boulevard are commercial, industrial (Spectrum Plastics, Unilock), and governmental (Putnam County Department of Health, Department of Motor Vehicles) uses. To the southeast on the westerly side of I-84 along Independent Way is the Highlands Shopping Center containing retail and commercial uses such as Home Depot, Kohls, Applebee's Neighborhood Grill & Bar, the Eveready Diner, and related uses. To the west of the Highlands Shopping Center is a CareMount medical office facility. The

immediate area around the I-84 interchange therefore has a more mixed-use commercial, retail, medical, and industrial community character.

The Centennial Country Club is to the southwest of the site, across John Simpson Road (County Route 57). Adjacent to the west of Lot 3 is water supply land, which contains the well field for Hunters Glen, a residential community. Multi-family residential uses (Hunters Glen as well as Twin Brook Manor) are situated to the west of the site, and to the west of the water supply land. To the southwest is the Hunters Glen sewage treatment plant parcel. Single family residential is found along John Simpson Road to the west. These areas are therefore characterized by a rural residential character.

**b. Site Zoning and Zoning of Surrounding Areas**

Figure III.A-1 depicts the site and surrounding zoning (as well as the proposed rezoning which is discussed under Anticipated Impacts). The site currently is zoned OP-3 “Office Park OP-3 District” (proposed Lots 2, 3, 4, and the northern portion of Lot 1), and RC “Rural Commercial District” (the southern portion of proposed Lot 1, and Lots 5 and 6).

Table III.A-1, below, depicts the permitted uses for the OP-3 and RC districts.

**Table III.A-1**  
**Permitted Uses by Zoning District**

<b>Zoning District</b>	<b>Permitted Principal Uses</b>	<b>Permitted Accessory Uses</b>	<b>Permitted Special Permit Uses</b>	<b>Permitted Conditional Uses</b>
OP-3	<ul style="list-style-type: none"> <li>• Bed-and-breakfast/country inn</li> <li>• Equestrian center</li> <li>• Farm use</li> <li>• Offices</li> <li>• Personal services</li> <li>• Professional services</li> <li>• Residential, including single-family detached and single-family attached</li> <li>• Theater/performing arts</li> </ul>	<ul style="list-style-type: none"> <li>• Outside storage</li> <li>• Private utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Hotel/motel/conference facility</li> <li>• Kennels and animal hospitals</li> <li>• Light manufacturing</li> <li>• Public utilities</li> <li>• Senior housing</li> </ul>	<ul style="list-style-type: none"> <li>• Recreation</li> <li>• Research labs</li> <li>• Retail</li> <li>• Restaurant</li> <li>• Telecommunications towers and facilities</li> </ul>
RC	<ul style="list-style-type: none"> <li>• Craft workshop</li> <li>• Nursery</li> <li>• Office</li> <li>• Restaurant</li> <li>• Recreation</li> <li>• Kennel</li> </ul>	<ul style="list-style-type: none"> <li>• Outside storage</li> <li>• Private utilities</li> <li>• Restaurant</li> <li>• Retail</li> <li>• Personal services</li> <li>• Professional services</li> </ul>	<ul style="list-style-type: none"> <li>• Cemetery</li> <li>• Hotel/motel/conference center</li> <li>• Kennels and animal hospitals</li> <li>• Public utilities</li> <li>• Senior housing</li> <li>• Research labs</li> <li>• Wood mill</li> </ul>	<ul style="list-style-type: none"> <li>• Bed-and-breakfast/country inn</li> <li>• Equestrian center</li> <li>• Farm use</li> <li>• Telecommunications towers and facilities</li> </ul>

As illustrated in Figure III.A-2, an RMF “Residential RMF District” is situated to the west of the site, and contains the Hunters Glen and Twin Brook Manor developments. To the south is the RC district; to the east is the OP-3 and RC

districts, and to the north is an R-I residential zone within the Town of Patterson.

**c. Ridgeline Protection**

Section 138-12.1 of the Town Zoning Code discusses ridgeline protection, as does the Town's CPU. On page 5-12, the CPU indicates that future development should be sensitive to ridgelines, while allowing for reasonable development of a site. The CPU indicates that the focus of the Town's Ridgeline Protection Law is on minimizing visual impacts, particularly "prevent[ing] buildings from being constructed on slopes that could be perceived as rising above the ridgeline":

"Following the 2002 Comprehensive Plan, the Town of Southeast created a ridgeline protection ordinance to prevent buildings from being constructed on slopes that could be perceived as rising above the ridgeline. It is the recommendation of this Comprehensive Plan that the tops of ridgelines that are visible from public roadways, parks, or other scenic community resources, continue to be protected."

The "ridgeline" is defined in the Zoning Code as the uppermost 50 vertical feet of a hill or mountain above a minimum elevation of 500 feet above mean sea level. This provision applies to certain portions of the subject property, as discussed in Section III.C "Visual Resources" and illustrated in Figures III.C-3 and III.C-4.

Consistent with the intent of minimizing adverse visual impacts, the Code specifies that buildings and structures within any area defined as ridgeline are not, to the maximum extent practicable, to be visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding property or public rights-of-way in adjoining lowlands or adjoining ridgelines. Neither is excessive clearing of any ridgeline area to 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” in this context means the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed. Accordingly, the Code provides criteria relative to the number of trees that can be removed without “excessive clearing.” Moreover, the Code allows construction along the top of ridgelines and/or regrading portions of the ridgeline so long as the buildings or structures developed through such construction activities are not, to the maximum extent practicable, visible from surrounding properties, public rights-of-way, or adjoining ridgelines.

**d. Retaining Walls and Embankments**

Section 138-15.1 of the Town Zoning Code discusses grading and land disturbance, including retaining walls. The Zoning Code states the following:

**A. Manufactured slopes**

- (1) No manufactured slope shall exceed 30 feet in height or have a slope angle steeper than two horizontal to one vertical or 50%.
- (2) Manufactured slopes shall be rounded and shaped to simulate the natural contours of adjacent slopes.
- (3) Manufactured slopes shall have a mix of deciduous and evergreen trees at least six feet in height at time of planting located at the base of the slope. Such landscaping shall be maintained on a regular basis, and any plants not in a healthy state shall be replaced within one year at the beginning or end of the growing season, as appropriate to the species.

**B. Retaining walls**

Retaining walls shall be no higher than 10 feet in height. However, a series of retaining walls of 10 feet in height may be constructed to a maximum height of 30 feet. The horizontal distance between each retaining wall (measured from center line to center line) in a series shall be no less than 10 feet and shall be planted with a dense ground cover, noninvasive vine, shrub, or ornamental tree. Such landscaping shall be maintained on a regular basis, and any plants not in a healthy state shall be replaced within one year at the beginning or end of the growing season, as appropriate to the species.

e. **Relevant New York City (NYC) Watershed Rules and Regulations**

The site is entirely within the NYC watershed, and as such is subject to the “Rules and Regulations for the Protection from Contamination, Degradation and Pollution of the New York City Water Supply and Its Sources” regulations, Chapter 18, Rules of the City of New York, as amended April 4, 2010. The intent of the regulations is to protect the public health by averting future contamination to and degradation of the New York City water supply.

The rules and regulations apply to all persons undertaking, or proposing to undertake activities where such activities are specifically regulated and occur in the NYC watershed. These activities include discharge of stormwater and sediment, and preparation and implementation of stormwater pollution prevention plans, and the construction of impervious surfaces.

A Stormwater Pollution Prevention Plan (SWPPP) is required for construction of a new commercial project that will result in creation of an impervious surface totaling over 40,000 square feet in size, and a land clearing or land grading project involving two or more acres, located at least in part within the limiting distance of 100 feet of a watercourse or wetland, among other specified thresholds. A SWPPP must be reviewed and approved by the New York City Department of Environmental Protection (NYCDEP), and construction must be completed within 5 years of the date of issuance of the approval, or within any extended period of time approved by the NYCDEP upon good cause shown.

A Preliminary SWPPP has been prepared and discusses in detail compliance with the NYC watershed regulations (see Chapter III.D of the DEIS, and Appendix D-I).

**f. Town of Southeast Master Plan**

The Town of Southeast adopted the CPU on August 21, 2014. The site is depicted on Figure 5-1 “Existing Land Use” figure of the CPU, as vacant land and single-family residential, in accordance with the prior approval of the site. Figure 5-2 “Future Land Use” of the CPU depicts the site and the generally surrounding properties as “Lower-Density Commercial”. With 82.6% open space, the proposed project is consistent with this CPU classification. The CPU discusses the RC District, and recommends revisiting the permitted principal and special permit uses. Additional uses that could be considered are craft workshops, agricultural tourism based business, and performing arts or other arts based uses. As discussed under Anticipated Impacts, a portion of the site that is currently zoned RC is proposed to be rezoned to OP-3. Figure 7-2 of the CPU, “2002 Proposed Commercial Rezoning”, depicts the portion of the site the Applicant is proposing to have rezoned to OP-3 as being an OP-3 zone.

The CPU also discusses the Route 312/I-84 Interchange, which is proximate to the subject property. The CPU notes that this is an important node of economic activity, and that any new development in this area would be responsible for mitigation of any traffic impacts through traffic improvement measures, which is consistent with the intentions of the Applicant. Under “Comprehensive Plan Recommendations”, the CPU notes that any potential development in the “Campus at Fields Corner” along Pugsley Road would be compatible with this vision of the Route 312/I-84 Interchange as a node of commercial activity. The proposed project is therefore consistent with the CPU for economic activity in the immediate area.

More generally, the CPU notes that the Town of Southeast is the economic center of Putnam County. The Town’s access to major transportation corridors, including I-84, has made the Town an attractive location for new

economic activity. Firms seeking to take advantage of the metropolitan market while providing quality-of-life for its employees will locate within Putnam County.

The CPU recommends that new uses be added to the Zoning Code to capture the types of commercial enterprises envisioned today. This would include such uses as the “logistics center” proposed by the Applicant. Figure 7-1 of the CPU depicts the Campus at Fields Corners site within a potential commercial activity area.

A goal of the Town’s Comprehensive Plan Update is to diversify the Town’s base of business and industry to strengthen the Town’s tax base and to provide employment opportunities for area residents. The project is consistent with the community’s intent on growth to assure its economic sustainability while protecting the integrity of its natural resources and infrastructure.

Section 5.4 of the CPU discusses the Land Use Goal and Policy of the Town of seeking to balance a healthy economic environment with quality residential and commercial character while protecting the integrity of its natural resources and infrastructure.

The proposed project, as discussed in Section III.H, provides significant economic development for the benefit of the community in terms of direct, indirect, and induced jobs (over 800 during the construction phase and over 900 during the project operations phase—see Section III.H “Tax Analysis”), along with millions of dollars of direct, indirect, and induced economic output during both the construction phase, and annually during the operations phase.

The proposed project is protective of the environment, with 82.6% open space following development, several measures to comply with or be substantially less than the ridgeline protection provisions, as discussed in greater detail in Section III.C., removing trees at a ratio substantially below the maximum number of

trees permitted by the Town, preserving existing trees within the ridgeline and adjacent areas where practicable, providing a substantial buffer from roadways and residents, coloring the buildings to blend into the surroundings, providing retaining walls, providing extensive evergreen and deciduous tree plantings, having only 0.05 acres of wetland impact associated with road improvements to be mitigated with removal of invasive species and replacement with native sedges, and providing dark sky friendly site lighting.

These measures also comply with another goal of the CPU, that of the Community Character Goal and Policy of maintaining the Town's picturesque rural character while allowing for appropriate commercial development.

Section 7.3 Comprehensive Plan Recommendations Goal and Policy of the CPU discusses that future non-residential uses should be targeted to those areas where they will have minimal impact on water quality, traffic, and community character. The proximate I-84/Route 312 interchange is envisioned as a node of commercial activity. Continued development within the Terravest Corporate Park, the Highlands Center, and any potential development in the "Campus at Fields Corner" along Pugsley Road would be compatible with this vision. The "Campus at Fields Corner" along Pugsley Road is the site of the proposed project.

Section 1.4 of the CPU discusses the Vision of the Town of Southeast, which is to seek to balance a healthy economic environment with quality residential and commercial character while protecting the integrity of its natural resources and infrastructure. The Vision is broken down into several components which pertain to the proposed project:

- a. Protect the Town's community character.

“Maintain the Town’s picturesque rural character, including historic and scenic resources, while allowing for appropriate commercial and residential development.”

The proposed project maintains the Town’s picturesque rural character, with 82.6% open space following development. Scenic resources are preserved with a variety of measures to comply with the ridgeline protection provisions, as discussed in greater detail in Section III.C., removing trees at a ratio substantially below the maximum number of trees permitted by the Town, preserving existing trees within the ridgeline and adjacent areas where practicable, providing a substantial buffer from roadways and residents, coloring the buildings to blend into the surroundings, providing retaining walls, providing extensive evergreen and deciduous tree plantings, and providing dark sky friendly site lighting.

b. Protect valuable natural resources

“The Town of Southeast is committed to protecting its natural resources as a critical component of quality-of-life, the Town’s character, scenic views, the region’s ecological functions, and water supply. Wetlands, watercourses, open space, woodlands, and agricultural lands contribute to the quality and character of Southeast, and their preservation, enhancement, and restoration must be considered in all actions that may affect them.”

The proposed project is protective of scenic views as discussed above, and is protective of potential adverse impacts to vegetation and wildlife habitats (ecological functions) to the maximum extent practical by utilizing portions of the property which are former agricultural fields and leaving 82.6% of the site as open space. The water supply is from existing wells, where the available groundwater recharge from precipitation is more than sufficient to meet the water demand of the project. The proposed project does not impact watercourses, and having only 0.05 acres of wetland impact associated with road improvements is to be mitigated with removal of invasive species and

replacement with native sedges. Wetland buffer impacts will be mitigated through extensive wetland plantings in the stormwater management basins. In summary, the project is protective of valuable natural resources.

c. Provide a healthy economic environment

“The Town of Southeast seeks a diversified base of business and industry to strengthen the Town’s tax base and to provide employment opportunities for area residents while preserving the Town’s rural residential character and protecting the Town’s portion of the regional drinking water supply. Future non-residential uses should be targeted to those areas where they will have minimal impact on water quality, traffic, and community character. Existing zoning laws should be enforced, and new zoning laws should include provisions to maintain and enhance community character through appropriate architecture, site planning, and landscaping. Existing businesses within the Town should be encouraged to enhance their outward appearance to improve the overall look of the Town.”

The proposed project, as discussed in Section III.H, provides significant economic development for the benefit of the community in terms of direct, indirect, and induced jobs (over 800 during the construction phase and over 900 during the project operations phase), along with millions of dollars of direct, indirect, and induced economic output during both the construction phase, and annually during the operations phase.

The applicant is seeking Putnam County IDA inducement which is a mechanism to encourage economic development while providing appropriate revenue to the municipality and other taxing jurisdictions. As a part of the inducement, the Applicant would be entitled to pursue a Payment in Lieu of Taxes (PILOT) as the method of determining property tax calculation during the initial ten years of operation for each building. The Applicant will ensure that the taxes paid under the PILOT program exceed the costs of providing governmental services to the project. The Applicant anticipates paying significantly more than the property currently pays in taxes. The property is currently assessed as vacant land, and

generates approximately \$140,000 in annual property taxes. Under a PILOT, the property's increased assessed value as a result of the project would result in a PILOT payment for the first year significantly above \$140,000.

The logistics center use will diversify the Town's base of business for a use that is in high demand, due largely to e-commerce and computerization of society. Retail shopping, as noted widely, has shifted from conventional stores to online marketplaces where consumers can order from the convenience of their homes and businesses and have the goods delivered to their homes and businesses often within a day or two. Online marketplaces depend upon logistics centers.

The project will provide healthy economic development by preserving the Town's rural character and protect the drinking water supply, as discussed above. Extensive mitigation is proposed to accommodate the project and the associated site generated traffic volumes. As discussed in Section III.B Traffic, the mitigation proposed will provide an excellent roadway system to accommodate the proposed logistics center development.

### **3. Future Without the Proposed Project**

Without the proposed project, the site would remain vacant land, and offer none of the economic benefits to the community that a logistics center would generate, in a manner which is consistent with protecting the integrity of its natural resources and infrastructure. There would be no change to existing zoning and lot lines.

### **4. Anticipated Impacts**

#### **a. Zoning Text and Map Amendment**

The Applicant seeks to amend Chapter 138 "Zoning" of the Town Code as follows:

- Make a “logistics center” a defined term under Section 138-4(b), to be defined as:

“A building or structure used for the receipt, storage, distribution, handling, shipment, consolidation, repackaging, labeling, assembly, aggregation, transloading, refrigeration, management or similar activities for non-hazardous goods, products, freight, cargo and/or materials. A Logistics Center may include associated office space and/or facilities for loading, unloading, transfer, repair and/or maintenance. A Logistics Center may also include accessory retail space, provided that such space shall comprise no more than two percent (2%) of the total floor area of such use.”
- Allow logistics centers as a conditional use in the Town, allowable only on lots of at least twenty-five (25) acres and subject to prescribed Design Guidelines;
- Make a logistics center a permitted conditional use in the OP-3 District; and
- Rezone approximately 39 of the 42 acres of the parcel referred to on the Putnam County Tax Map as Section 45, Block I, Lot 4 from the RC District into the OP-3 District.

The OP-3 District is only present on the site, and does not appear anywhere else at this time within the Town. Therefore, the proposed zoning amendments only effects the subject property.

Appendix I-1b contains the Petition for the proposed zoning text and zoning map amendments, including the proposed text of the definition and conditional use standards for logistics centers (the draft zoning text is also at the end of this chapter as Exhibit H).

The amendments are being sought because while the current Zoning Code permits traditional distribution uses such as "warehouse" and "light manufacturing" for storage, assemblage and manufacturing of nonhazardous

goods and materials, in certain other zoning districts such as the ED, OP-1, and OP-2, these traditional distribution operations have become antiquated and somewhat obsolete. (The majority of the site was formerly zoned OP-2 prior to its rezoning to OP-3 in 1990). Distribution of consumable goods due to the internet and computerization of society has evolved. Shopping, as noted in two recent NY Times articles (See Appendix I-1b), has shifted from conventional stores to online marketplaces. Sellers in the online marketplace require physical warehouses that function beyond the traditional warehouse definition in many municipalities' zoning laws, as discussed below.

While it is the buildings themselves that make possible the rapid delivery that consumers now expect from online retailers, those buildings need to be permitted to have with the appropriate functions. As the New York Governor recognized (as discussed in Appendix I-1b), in issuing a New York State Development Profile for Warehouse/Distribution/Logistics Center Sites, with the evolution in industry comes a need for a number of additional valuable services with associated job creation, to support modern distribution demands and the increased productivity that has resulted. The proposed logistics center definition/use would support this need. In addition to the traditional warehouse and light manufacturing functions that are already permitted under the Town's Zoning Code, such as receipt, storage and distribution of non-hazardous goods and materials, a logistics center, as proposed by the Applicant, would also provide for handling, shipment, consolidation, repackaging, labeling, assembly, aggregation, transloading, refrigeration, management or other similar activities. The Applicant relied in significant part on the State's Development Profile to develop its proposed definition.

As set forth in detail in the Petition in Appendix I-1b, the Applicant believes that the proposed Text Amendments would facilitate several important planning and economic goals set forth in the Town's Comprehensive Plan Update. This includes seeking "a diversified base of business and industry, .... strengthen[ing]

the Town's tax base, and .... provid[ing] employment opportunities for area residents while preserving the Town's rural character and protecting the Town's portion of the regional drinking water supply." See Comprehensive Plan Update, at I-4. All of these goals would be accomplished by the Text Amendments which foster a progressive industry, while ensuring that the Town has continued control over the details of the development plans for proposed logistics centers. In addition, the Text Amendments would allow for a project that would be beneficial for the Town and County's economy, as well as providing multiples of additional annual revenue to the Town over that provided under existing conditions, without significantly increasing the demand on existing community resources, such as water supply, traffic, or schools. The project would also foster significant job creation in the Town. As noted in the above cited NY Times Article in Appendix I-1b, the online marketplace in need of distribution centers "have fueled a boom for workers without college degrees and breathed new life into pockets of the country that had fallen economically behind"; these uses "have produced hundreds of thousands of jobs since the recovery began in 2010, adding workers at four times the rate of overall job growth."

The Applicant's Petition requests that the Text Amendments create a logistics center as a Conditional Use in the OP-3 District. Based on conversations with the Town's staff, the Applicant believes that making logistics centers a Permitted Conditional Use would allow the Town to maintain control over potential development of logistics centers. Accordingly, the Applicant is proposing specific Conditional Use standards, which would require the Planning Board to assess an application's conformance to prescribed Design Guidelines. The text of the proposed Conditional Use standards is included at the end of this chapter as Exhibit H. The full petition with supporting text is in Appendix I-1b.

The proposed Design Guidelines are intended to ensure that logistics centers are appropriately designed and landscaped. To assure the aesthetic integrity of the buildings themselves, the Design Guidelines set forth limitations relating to

building design, requiring that the portion of the building that faces the street be of masonry or metal construction. Moreover, to assure that logistics centers provide adequate buffering and screening, the Design Guidelines require that: (i) the buildings be at least seventy-five feet (75') from the boundary of any residential zoning district, and (ii) are adequately landscaped. In this vein, the Design Guidelines specifically require the establishment of appropriate buffers between any component of a proposed logistics center and adjoining parcels. Moreover, the Design Guidelines require that natural vegetation be maintained and/or supplemented to provide screening around all areas where trucks, trailers or shipping containers may be parked overnight if these areas face adjacent property or the street.

The proposed Conditional Use standards for Logistics Center uses would also empower the Planning Board to adjust, where it deems appropriate the Zoning Code provisions pertaining to ridgelines (Section 138-12(i)) and, subject to specific limitations, grading, land disturbance, and retaining walls (Section 138-15.1). Under the proposed amendment, the Planning Board would only be authorized to permit modification or waivers of the Zoning Code provisions of Section 138-15.1 upon balancing important concerns of the community's health, safety and welfare, including: consistency with the Town of Southeast Comprehensive Plan; economic development; harmony of uses within the immediate area; impacts upon quality of life for neighboring residential areas and mitigation of any adverse environmental impacts. In granting any modification or waiver, the Planning Board would be able to attach such conditions as are, in its judgment, necessary to secure substantially the objectives of the standards or requirements so modified or waived.

In addition, not only would a plan for a logistics center have to meet general conditions and standards required for all conditional uses, as set forth in Section 138-53 of the Zoning Code, but the Planning Board would also maintain authority to set forth plan-specific conditions. This would allow the Planning

Board to ensure that any logistics center proposed in the Town would address site-specific impacts. Any other sites proposed in the Town would also need to undergo a rezoning to an OP-3 district as currently the OP-3 District is only present on the subject site.

The Text Amendments would facilitate the Applicant's proposal to build four (4) buildings on the Property for use as a logistics center, designed to accommodate 1,124,575 square feet.

The property is a particularly appropriate location for a logistics center. As the consumer patterns shift from in-person retail shopping to online shopping, this demand for regional and local logistics centers increases. There is a scarce supply of modern, 21<sup>st</sup> century logistics buildings in the New York Metro area, which coupled with a general scarcity of developable land creates an excellent opportunity for the subject property to fill a clear and present need (see Exhibit B to the Zoning Petition in Appendix A.2.). The property is easily accessible, close to I-684 and I-87, and is situated along Interstate I-84 directly off Exit 19, which is a full four-way interchange. Further, its central Putnam County location is convenient to the area employment centers of Westchester, Dutchess and Orange Counties in New York, and Fairfield and Litchfield Counties in Connecticut. Nearby centers of commerce include White Plains, Poughkeepsie and Newburgh, New York, as well as Greenwich, Stamford and Waterbury Connecticut. The property location off of the Route 312 Interchange and Pugsley Road will allow for ample transportation access without disturbing local traffic within the Town. Furthermore, the Applicant has proposed various traffic improvements to ensure the Property does not disturb or impact local traffic.

Table III.A-2, below, the Table of Land Use, illustrates the bulk and other zoning requirements for the project, , which is to contain 6 lots, and the conformance of the project with those requirements. Lot 1 is to contain two logistics center buildings, with Building #1 having 261,320 s.f. and Building #2 having 173,775 s.f.

Lot 2 is to contain Building #3 with 323,076 s.f. and Lot 3 is to contain Building #4 with 366,404 s.f. Total logistics center space is therefore 1,124,575 s.f. Lot 4 contains the existing supply well NW4, and Lot 3 contains the existing supply well OW3. Together, these two wells will serve the project. The Applicant is discussing donating Lot 5 to Putnam County in connection for use with the County's Tilly Foster Farm & Educational Institute, which is adjacent to the subject property. The County has expressed an interest. Lot 6 would be donated to the NYSDOT for right-of-way improvements.

Of note is that while 55% lot coverage is permitted, the proposed lot coverage over the 328 acre site is only 17.4%. Also, the maximum permitted building coverage is 25%, while the proposed building coverage is 7.9%. As a result, while the minimum required open space is 45%, the proposed project is providing 82.6% open space, assuring green spaces for the watershed. Also, because the project is proposing road improvements necessary to accommodate the proposed development (Note (4), below), a maximum floor area ratio (FAR) of 0.25 is allowable in the OP-3 district. The FAR for each proposed Lot is well below the maximum permitted: Proposed Lot 1 would have an FAR of 0.148; Lot 2 of 0.078; and Lot 3 of 0.096. If the maximum FAR was constructed on these lots, the proposed building area would total 2,724,827 square feet, as opposed to the 1,124,575 square feet of the proposed project.

**Table III.A-2**

<b>TABLE OF LAND USE</b>							
<b>Proposed Use: Logistics Center<sup>(1)</sup></b>							
<b>Existing/Proposed Zoning District: Office Park OP-3 District<sup>(2)</sup></b>							
<b>Description</b>	<b>Required /Permitted</b>	<b>Provided</b>					
		<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>Lot 5</b>	<b>Lot 6</b>
Lot Area (Minimum) (Square Feet/Acres)	100,000/2.30	±3,043,310 /±69.86	±4,328,499 /±99.37	±4,251,060 /±97.59	±2,495,104 /±57.28	±137,436 /±3.16	±33,559 /±0.77
Lot Width (Minimum) (Feet)	400	±3,550	±425	±2,180	±1,900	±570	±510
Lot Frontage (Minimum) (Feet)	400	±3,565	±425	±2,260	±2,935	±630	±530
Lot Depth (Minimum) (Feet)	400	±750	±2,550	±975	±1,155	±235	±195
Building Height (Maximum) (Feet/Stories)	45/3	43.6/1	43.6/1	43.6/1	-	-	-
Gross Floor Area (Maximum) (Square Feet)	(See Note 3)	435,095	323,076	366,404	-	-	-
Building Coverage (Maximum) (Percent)	25	14.30	7.46	8.62	-	-	-
Lot Coverage Total (Maximum) (Percent)	55	33.1	16.2	18.4	-	-	-
Open Space (Minimum) (Percent)	45	66.9	83.8	81.6	-	-	-

TABLE OF LAND USE							
Proposed Use: Logistics Center <sup>(1)</sup>							
Existing/Proposed Zoning District: Office Park OP-3 District <sup>(2)</sup>							
Description	Required /Permitted	Provided					
		Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
<b>Buildable Area Calculations<sup>(4)</sup></b>							
State Designated Wetlands (Square Feet/Acres)	-	±115,269 /±2.65	±60,583 /±1.39	±659,141 /±15.13	-	-	-
Slopes Over 25% in Grade (Square Feet/Acres)	-	±77,529 /±1.78	±277,522 /±6.37	±227,060 /±5.21	-	-	-
Total Deductions (50%) (Square Feet/Acres)	-	±96,399 /±2.21	±169,053 /±3.88	±443,101 /±10.17	-	-	-
Net Buildable Area (Square Feet/Acres)	-	±2,946,911 /±67.65	±4,159,446 /±95.49	±3,807,959 /±87.42	-	-	-
Floor Area Ratio (Maximum) <sup>(4)</sup> (Ratio)	0.15/0.25 <sup>(5)</sup>	0.148	0.078	0.096	-	-	-
<b>Yards</b>							
Front Building Setback (Feet)	100/50 <sup>(6)</sup>	212	907	593	-	-	-
Rear Building Setback (Feet)	50	235	1,481	85	-	-	-
Side Building Setback (Feet)	50	567	160	177	-	-	-
<b>Parking Setbacks</b>							
Front Parking Setback (Feet)	50/25 <sup>(6)</sup>	142	734	441	-	-	-
Rear Parking Setback (Feet)	25	61	1,328	33	-	-	-
Side Parking Setback (Feet)	25	432	55	34	-	-	-

<b>TABLE OF LAND USE</b>							
<b>Proposed Use: Logistics Center<sup>(1)</sup></b>							
<b>Existing/Proposed Zoning District: Office Park OP-3 District<sup>(2)</sup></b>							
<b>Description</b>	<b>Required /Permitted</b>	<b>Provided</b>					
		<b>Lot 1</b>	<b>Lot 2</b>	<b>Lot 3</b>	<b>Lot 4</b>	<b>Lot 5</b>	<b>Lot 6</b>
<b>Parking Requirements</b>							
Requirement (See Parking And Loading Table II-3)	-	173	128	145	-	-	-
Standard Spaces Provided	-	279	210	238	-	-	-
Accessible Spaces Provided	-	14	7	8	-	-	-
Total Provided	-	293	217	246	-	-	-
<b>Loading Requirements</b>							
Requirement (1 Space Per 40,000 S.F.)	-	11	9	10	-	-	-
Provided	-	91	51	70	-	-	-

**Table Of Land Use Notes:**

- (1) Refer to proposed supplemental regulations for logistics center within Town Code Section 138.
- (2) A portion of the site is proposed to be rezoned from RC district to OP-3 district. The remaining portion of the site is currently zoned within the OP-3 district. Proposed lots 4, 5, and 6 are proposed to remain zoned in the RC district.
- (3) Maximum permitted gross floor area per lot is equivalent to 0.25 of the net buildable area:
 

Lot 1:	736,727 square feet
Lot 2:	1,036,861 square feet
<u>Lot 3:</u>	<u>951,239 square feet</u>
Total:	2,724,827 square feet

The total proposed gross floor area of 1,124,575 square feet is 41 percent of the total permitted gross floor area.
- (4) "Floor Area Ratio" is defined by the Zoning Code as the gross floor area in square feet of all buildings on a lot divided by the area of such lot in square feet. "Buildable Area" is defined by the Zoning Code as all land minus 50% of the acreage of state designated wetlands and 50% of the acreage of slopes over 25% in grade.
- (5) A floor area ratio of 0.15 shall not be exceeded without a transportation district in place or until the road improvements necessary to accommodate the additional development are made.
- (6) Front yard and front yard parking setback requirements may be reduced by up to 50% for any street or road other than state or county road or highway.
- (7) Bulk requirements of proposed Lot 4 depicted include two well parcels.
- (8) Bulk requirements of proposed Lot 5 depicted are based on the land donation of proposed Lot 6 to New York State Department of Transportation (NYSDOT). Therefore, proposed Lot 6 becomes part of the existing right-of-way.

**b. Resubdivision**

The project proposes to resubdivide the site from 155 parcels currently to 6 lots, as discussed above and illustrated in Table III.A-2.

<b>Lot #</b>	<b>Approximate Acreage</b>
1	69.86
2	99.37
3	97.59
4	57.28
5	3.16
5	<u>0.77</u>

Total Acres 328.03 acres

**c. Ridgeline Protection**

Buildings 1 and 2 are within one ridgeline area, and Buildings 3 and 4 are located in another ridgeline area (see Section III.C “Visual Resources” of the DEIS). Several measures are proposed to comply with the ridgeline protection provisions, as discussed in greater detail in Section III.C. The measures include designing the buildings to be approximately five feet lower than permitted, having the proposed finished floor elevations of the buildings being substantially below the existing tops of the ridgelines, including through the removal of the top of the ridgeline, removing trees at a ratio substantially below the maximum number of trees permitted by the Town, preserving existing trees within the ridgeline and adjacent areas where practicable, providing a substantial buffer from roadways and residents, coloring the buildings to blend into the surroundings, providing retaining walls, providing extensive evergreen and deciduous tree plantings, and providing dark sky friendly site lighting.

Buildings 1 and 2 have been designed with the finished floor elevations of the buildings below the highest existing grades of the top of the ridgeline, thus reducing their visibility along the ridgeline. The proposed project would remove the top of the ridgeline and set the building at a lower elevation, thus minimizing the impact to the viewshed. Similarly, Buildings 3 and 4 have been sited so that the finished floor elevations of the buildings are below the highest existing grades, with Building 4 being 17.5 feet below the top of the existing ridgeline which is to be removed (see Figures III.C-1 and III.C-2). As such, the proposed buildings have been recessed into the existing grade to the maximum extent practicable to reduce the visual impact of the project at the ridgeline. Further recessing the buildings into the ridgeline would create a major imbalance, on a phase by phase basis, of the amount of fill that would either need to be exported or imported to the site. This reduces the effective height of the proposed roof level height from 40-42 feet to 21 - 25 feet along the top of the existing ridgeline, as compared to the 45 feet of maximum permitted roof height, resulting in a total reduction of approximately 45 percent at the top of the existing ridgeline.

**d. Retaining Walls and Embankments**

Section 138-15.1 of the Town Zoning Code discusses grading and land disturbance, including retaining walls. The proposed zoning text amendment provides that the review of the criteria be undertaken by the Planning Board, who may permit waivers or modifications subject to certain limitations.

As discussed in Section III.C “Visual Resources” of the DEIS, the proposed retaining walls and slopes have been designed to comply with the Town criteria to the maximum extent practicable. The retaining walls are terraced and will be planted extensively, including with climbing vines to soften and “green” their appearance. Proposed slopes will be no steeper than the two horizontal to one vertical slope permitted by the Town. In certain instances, terraced retaining

walls will be combined with proposed slopes, the total vertical height of which will exceed 30 feet. However, no proposed individual retaining wall exceeds 10 feet in height. Three such walls are tiered in the northwest corner of Building 4 (see full-size drawing C-200 "Overall Grading Plan"), with a combined height of 30 feet (with each wall at 10 feet in height). At the westerly side of the driveway entrance to Buildings 1 and 2, there are proposed two 10-foot retaining walls, in addition to a 32-foot high slope above the walls, for a total of 52 feet in grade change.

While the Town criteria does not specifically address combining retaining walls and slopes relative to the 30 foot criteria, a waiver is requested from the Planning Board in the event the Town determines the two types of slope treatments should not be combined. The combination of walls and slopes are necessary to provide access to Buildings 1 and 2 as discussed above, due to the existing changes in elevations between Pugsley Road and the proposed buildings relative to the proposed access driveway. A wavier would also be requested in association with the proposed approximately 40 foot slope associated with the potential roundabout at the NY 312/Pugsley Road intersection, as well as for 46 foot high proposed slopes at the southwest corners of Buildings 1 and 3. In addition, relief from the 30 foot maximum height slope will be needed whether or not the walls and slopes are combined.

## **5. Mitigation Measures**

The proposed zoning text and map amendments would permit a newly defined use within the Town, under the strict controls of a Conditional Use Permit, while allowing for many potential economic benefits including job creation. The Comprehensive Plan promotes a diversified base of business and industry, while providing employment opportunities for area residents, all of which the proposed zoning text and map amendments promote.

# EXHIBIT “H”

## **Section 138-\_\_ Logistics Center**

Commercial buildings to be used for the purpose of a logistics center are subject to the following supplementary requirements:

- A. Any parcel used for a Logistics Center shall consist of not less than 25 acres.
- B. Design Guidelines: The Planning Board, when considering a conditional use permit for a Logistics Center, shall consider the application's conformance to these design guidelines in considering approval or denial of the application

[1] Building Design and Location.

(a) All buildings shall be of masonry, pigmented pre-cast concrete panels with cast-reveals, or metal construction on that portion of the building which faces on the street.

(b) No commercial building to be used for the purpose of a logistics center shall be closer than 75 feet from the boundary of any residential zoning district.

(c) All other outdoor storage and/or parking areas shall be delineated on the site plan.

[2] Landscape. Landscape plans must be submitted to the Planning Board prior to any approval.

(a) Appropriate buffers between any component of the proposed use and adjoining properties, given the proposed use, the use of adjoining parcels, and the natural topography and vegetative cover, shall be established by the conditional use permit and shall be identified on the site plan.

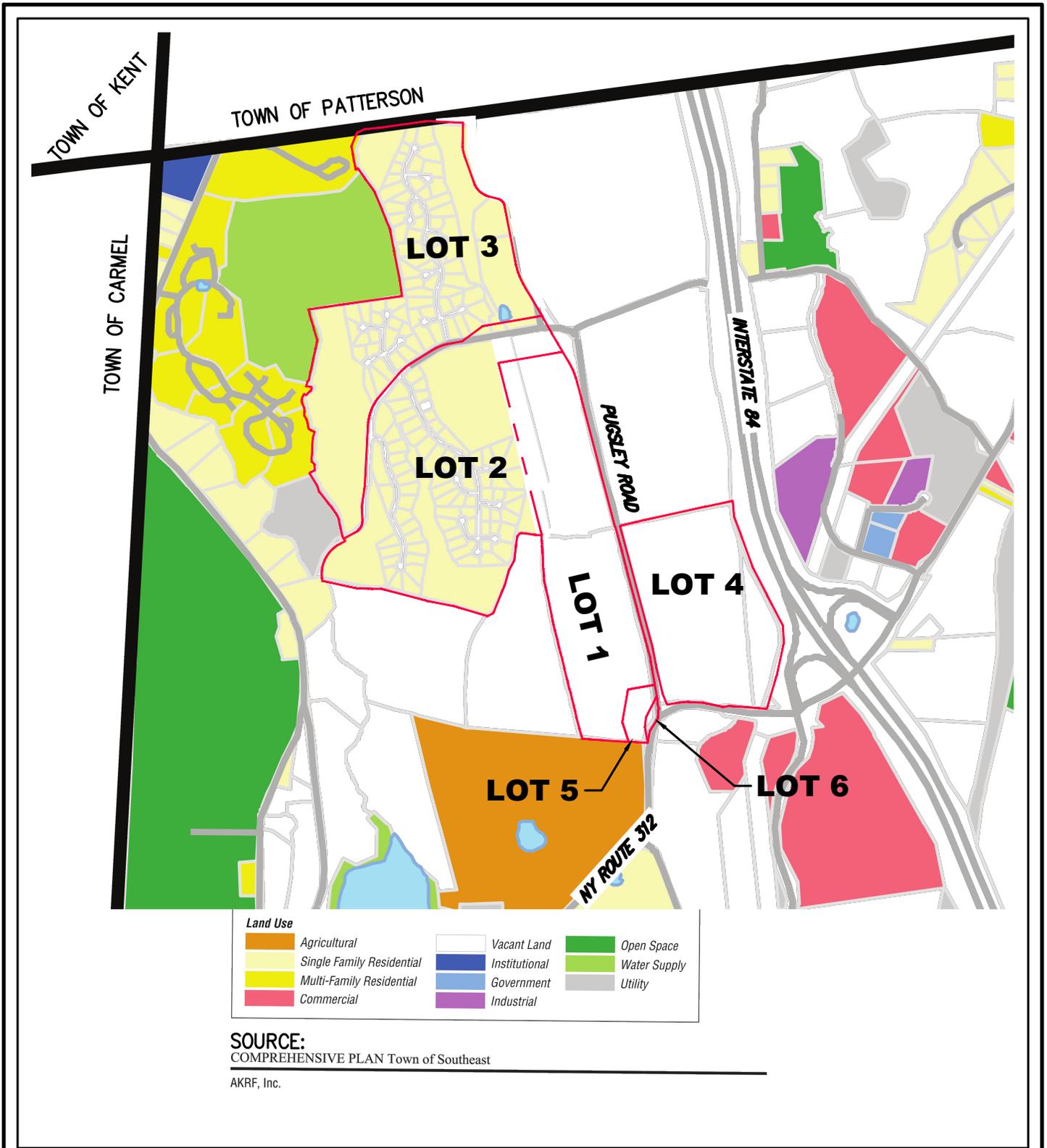
(b) Natural vegetation shall be maintained and or supplemented to provide screening and/or planting around all areas where trucks, trailers, or shipping containers may be parked overnight if these areas face adjacent property and/or the street. Notwithstanding the provisions of any other provision of the Town Code, the placement and/or use of trucks, trailers and/or shipping containers on the site of a Logistics Center shall be allowed provided that such screening and/or planting is provided.

[4] Site access. Driveway entrances and exits onto any street shall be provided in such a manner that no undue traffic hazards or traffic congestion will be created.

C. Operations. The Logistics Center shall be permitted to operate twenty-four hours per day, seven days a week, throughout the year.

D. Adjustment of regulations. The Planning Board may permit modifications or waivers of the provisions set forth at §§ 138-12(l) and 138-15.1 as it deems appropriate upon balancing important concerns of the community's health, safety and welfare, including: consistency with the Town of Southeast Comprehensive Plan; economic development; harmony of uses within the immediate area; impacts upon quality of life for neighboring residential areas and mitigation of any adverse environmental impacts. In granting any modification or waiver, the Planning Board may attach such

conditions as are, in its judgment, necessary to secure substantially the objectives of the standards or requirements so modified or waived.



**NORTHEAST INTERSTATE LOGISTICS CENTER**  
 NY 312 & PUGSLEY ROAD  
 TOWN OF SOUTHEAST, NEW YORK

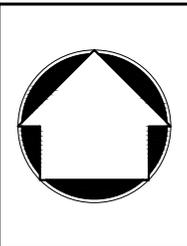
**SURROUNDING LAND USE**

DATE: 06/2018

JMC PROJECT: 14012

FIGURE: III. A - 1

SCALE: 1" = 1,200'



120 BEDFORD RD  
 ARMONK  
 NY 10504

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 fax 273-2102

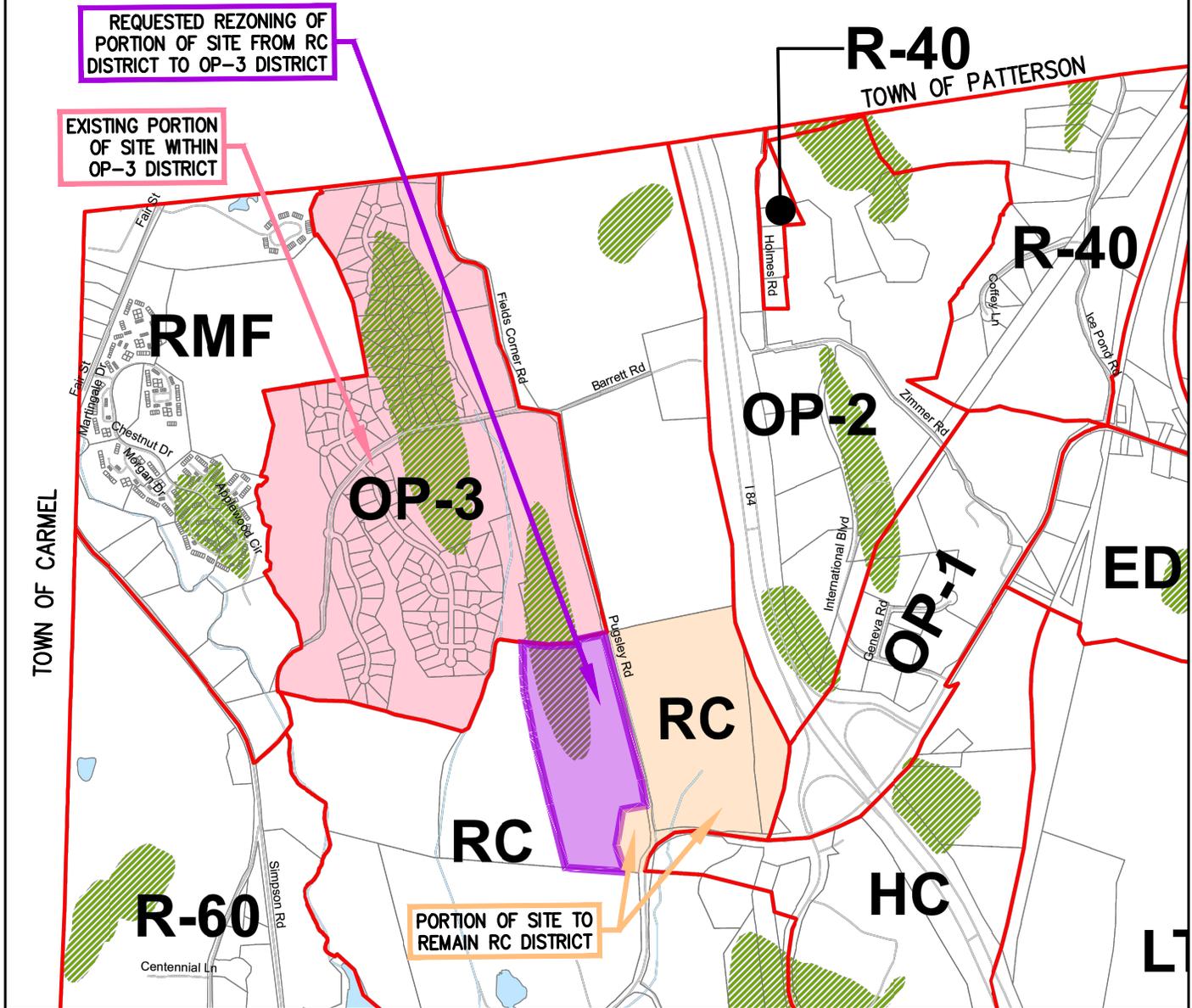
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**Zoning Map**

R-160	Residence R-160 District	HC	Highway Commercial District
R-60	Residence R-60 District	GC	Gateway Commercial District
R-40	Residence R-40 District	SR-6	Special Route 6 Area District
R-20	Residence R-20 District	ED	Economic Development ED District
RMF	Residence RMF District	OP-1	Office Park OP-1 District
NB	Neighborhood Business District	OP-2	Office Park OP-2 District
LTW	Lake Tonetta Watershed District	OP-3	Office Park OP-3 District
RC	Rural Commercial District	SR-22	Special Route 22 District
	Zoning District Boundaries		Ridgeline Overlay District

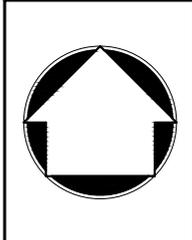


**NORTHEAST INTERSTATE LOGISTICS CENTER**  
 NY 312 & PUGSLEY ROAD  
 TOWN OF SOUTHEAST, NEW YORK

**OP-3 REZONING MAP**

DATE: 06/2018 JMC PROJECT: 14012

FIGURE: III. A - 2 SCALE: 1" = 1,500'



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