

**TOWN BOARD
TOWN OF SOUTHEAST, NEW YORK**

Crossroads 312 Statement of Environmental Findings

RESOLUTION NO. 63 /2014

DATE: December 18, 2014

INTRODUCED BY: Supervisor Hay

SECONDED BY: Councilman Alvarez

WHEREAS, the Town Board of the Town of Southeast is serving as Lead Agency for the State Environmental Quality Review Act (SEQRA) review of the proposed Crossroads 312 project; and

WHEREAS, the Town Board issued a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement ("DEIS") on September 24, 2009; and

WHEREAS, the Town Board determined to conduct a scoping process pursuant to 6 NYCRR 617.8 and conducted a public hearing on the draft scope on October 8, 2009, and a written comment period was held open until October 19, 2009; and

WHEREAS, the Town Board adopted a Final Scoping document on November 11, 2009; and

WHEREAS, after extensive review the preliminary DEIS, which was revised three times between April, 2012 and August, 2013, the Town Board determined the revised document was adequate and complete with respect to the adopted Final Scoping document on August 22, 2013; and

WHEREAS, on or about September 24, 2013, the DEIS Notice of Completion was published in the Environmental Notice Bulletin (ENB); and

WHEREAS, the Town Board held duly noticed public hearings on the DEIS and proposed Zoning Amendments on October 24, 2013; and

WHEREAS, the public comment period was held open and extended until November 13, 2013; and

WHEREAS, the applicant submitted a draft Final Environmental Impact Statement ("FEIS") to the Town on or about July 25, 2014, which responded to all substantive comments on the DEIS; and

WHEREAS, the Town Board directed its consultants to review the draft FEIS and to advise the Town Board on the sufficiency of the document; and

WHEREAS, on August 20, 2014, AKRF, Inc. (Town Planner) transmitted to the Town Board and the Applicant a memorandum identifying necessary revisions to the draft FEIS to ensure its adequacy and accuracy; and

WHEREAS, on September 16, 2014, Nathan Jacobson & Associates (Town Engineer) transmitted to the Town Board and the Applicant a memorandum identifying necessary revisions to the draft FEIS to ensure its adequacy and accuracy; and

WHEREAS, on September 21, 2014, Stephen Coleman (Town Wetland Inspector) transmitted to the Town Board and the Applicant a memorandum identifying necessary revisions to the draft FEIS to ensure its adequacy and accuracy; and

WHEREAS, the Town Board held a worksession which was duly noticed and open to the public, on September 18, 2014, to review the submitted document and to identify deficiencies in the submitted document; and

WHEREAS, on or about October 17, 2014, the applicant submitted a revised document containing only those pages with substantial revisions; and

WHEREAS, on October 29, 2014, Stephen Coleman transmitted to the Town Board and the Applicant a memorandum identifying further revisions to the draft FEIS to ensure its adequacy and accuracy; and

WHEREAS, on October 30, 2014, AKRF, Inc. transmitted to the Town Board and the Applicant a memorandum identifying further revisions to the draft FEIS to ensure its adequacy and accuracy; and

WHEREAS, on October 31, 2014, Nathan Jacobson & Associates transmitted to the Town Board and the Applicant a memorandum identifying further revisions to the draft FEIS to ensure its adequacy and accuracy; and

WHEREAS, the Town Board held a second worksession, which was duly noticed and open to the public, on November 6, 2014, to continue its review of the submitted document; and

WHEREAS, between November 12, 2014 and November 14, 2014, the applicant transmitted revised chapters to the Town Board and its consultants; and

WHEREAS, on November 19, 2014, the Town's consultants submitted their comments to the Town Board, which recommended accepting the FEIS as complete subject to minor editorial revisions identified in their respective memorandums; and

WHEREAS, the Town Board, as Lead Agency, has reviewed the applicable standards of 6 NYCRR 617.9(b)(8) to evaluate the adequacy of the FEIS, and determined the FEIS to be complete, subject to integration of the recommended revisions, on November 20, 2014, and in the Town Board's opinion, adequate for filing, circulation and publication; and

WHEREAS, subsequently, the FEIS was filed and distributed in accordance 6NYCRR 617.12(b), a Notice of Completion distributed, and a notice published in the Environmental Notice Bulletin; and

WHEREAS, the Notice of Completion was published in the Environmental Notice Bulletin on December 3, 2014; and

WHEREAS, the complete FEIS was posted on the project website with a link from the Town's website on December 4, 2014; and

WHEREAS, the applicant filed the FEIS with the Town and all involved and interested agencies on December 5, 2014; and

WHEREAS, during the course of the SEQR review process the Town Board has reviewed and considered the DEIS, the FEIS, the plans and materials submitted by the Applicant, reports and studies of Town Staff and consultants, public comments and correspondence and comments from involved and interested agencies, all of which constitutes the record on which this Findings Statement is based; and

WHEREAS, the Town Board has considered all comments during the EIS process, including comments made by involved and interested agencies and members of the public, as well as all comments submitted during the FEIS waiting period; and

WHEREAS, the minimum ten day waiting period between the filing of the FEIS and the issuance of a Findings Statement ended on December 15, 2014; and

NOW, THEREFORE BE IT RESOLVED that the Town Board, as Lead Agency, determines that the requirements of SEQRA have been met, as evidenced by the recitals above; and

BE IT FURTHER RESOLVED, that having thoroughly reviewed and considered the DEIS, the FEIS, and entire record of this SEQRA proceeding, the Town Board makes the following findings and determinations pursuant to SEQR and 6 NYCRR § 617.11:

DESCRIPTION OF PROJECT AND LOCATION

The proposed project is located on NYS Route 312 in the northwest part of the Town of Southeast in Putnam County, New York. The site comprises five tax lots totaling 51.88± acres, and identified as:

- Tax Lot 45.2-52 295 Route 312, Brewster, NY, 21.20± acres
- Tax Lot 45.2-53 265 Route 312, Brewster, NY, 1.00± acres
- Tax Lot 45.2-54 257 Route 312, Brewster, NY, 1.15± acres
- Tax Lot 45.2-55 247 Route 312, Brewster, NY, 20.15± acres
- Tax Lot 45.2-56 237 Route 312, Brewster, NY, 8.40± acres

All lots are currently zoned RC, Rural Commercial. The applicant proposes to re-zone the property from RC to HC-1 to allow the construction of a mixed-use retail and hotel complex.

The proposed project would consist of 143,000± sf of retail and restaurant use, and a 100-room hotel, in a total of five buildings. The retail buildings would each be one-story tall, and the hotel would be 4 stories with some parking below. A total of 721± parking spaces are proposed.

Access to the property will be from two locations along NYS Route 312, the first entrance is at the existing signalized intersection of the I-84 Exit 19 eastbound ramp and Route 312, and the second entrance will be at the existing signalized intersection of International Boulevard and Route 312. Improvements to the existing roadway system and the traffic signals are proposed.

In response to public comments on the DEIS, the applicant substantially reduced the scale of the Proposed Project in the FEIS. Table 1 below summarizes the changes to the Proposed Project from the DEIS to the FEIS.

Project Component	DEIS	FEIS
Building Program		
Retail Square Footage	176,000 SF	139,250 SF
Hotel	No (200 room hotel provided as Alternative)	Yes – 100 Room
Restaurant	7,000 SF	3,750 SF
Bank	3,000 SF	May be included in retail space
Maximum Height	Retail 28'-35'	Retail 38'; Hotel 45' (4 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 access points	Two access points
Wetland Disturbance	None	None
Wetland Buffer Disturbance (Town)	1 acre	0.61 acres
Road improvements	Yes	Yes (no change)

Construction of the Proposed Project would disturb approximately 35 acres of the 52± acre site for preparation of the 17± acre building pad. The Proposed Project would result in 14± acres of impervious surface. Earthwork is proposed to be balanced on site with approximately 384,000± cubic yards of cut and 384,000± cubic yards of fill.

EVALUATION OF POTENTIAL IMPACTS

LAND USE, ZONING, PUBLIC POLICY, AND COMMUNITY CHARACTER

The Proposed Project would modify the Town of Southeast Zoning Map and Code. As part of the Proposed Project, the Applicant has requested the property to be rezoned from RC to HC-1. This rezoning would permit a Large Retail Establishment to be constructed on the site, and would also increase the development potential of the property. The proposed rezoning increases the FAR from 0.15 in the RC Zoning District to 0.3 in the HC-1 Zoning District. The HC-1 Zoning District also has smaller setback and yard requirements than the RC Zoning District. However, both zoning districts have the same lot and building coverage requirements.

The Applicant further proposes to amend the Town of Southeast Zoning Code as follows:

1. Modify Section 138-41 to establish the Town Board as the review and approval agency for all Large Retail Establishments requiring a Special Permit, including any accessory on-site uses (e.g. hotel). This would transfer all discretionary approvals for Site Plans Wetland

Permit, or Subdivision from the Planning Board to the Town Board. The Town Board's review would consider recommendations from the Planning Board and Architecture Review Board.

2. Modify Section 138-63.4.C to specify that the Large Retail Establishment design guidelines would be reviewed by the Town Board instead of the Planning Board.
3. Modify 138-63.F to allow the Town Board to permit minor modifications or waivers of the provisions set forth at §138-12.I and §138-15.1 as it deems appropriate, except that modifications or waivers of §138-1.5,1 are limited to 3 feet in height for fill or cut slopes, and 1 foot in height per wall, 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 with the immediate area; impacts upon quality of life for neighboring residential areas; and mitigation of any adverse environmental impacts. In it granting any modification or waiver the Town 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.
4. Amend the Town of Southeast Commercial Zoning Schedule, 138 Attachment 5, page 5:2, shall be as follows:
 - a. Add "Hotel/motel/conference facility" to the list of special permit uses in the HC-1 District.
 - b. Amend the first line under "NOTES:" at 138 Attachment 5, page 5:3 as follows:
* All special permit uses are subject to site plan approval by the Planning Board, except as otherwise set forth in this Chapter, and architectural review by the Architectural Review Board.
 - c. The column labeled "Maximum Height" (with subcolumns labeled "Stories" and "Feet") shall be amended to add "See Note U" in the corresponding boxes for the HC-1 District; and the "NOTES" at 138 Attachment 5, Page 5:3 shall be amended to add the following: Note U: A hotel, motel or conference facility may be a maximum of 4 stories or 50 feet in height.

The proposed amendments to the Zoning Map and Code would permit the construction of the Proposed Project. By placing the decision making regarding large retail establishments under the review and approval of the Town Board, this would potentially simplify the approval process which now is divided among two boards. The proposed amendments would allow the Town elected officials to review all aspects of a project and make a decision which most benefits their perception of the town needs.

The Proposed Project has been reviewed for consistency with the 2002 Comprehensive Plan and 2014 Comprehensive Plan Update. The Town Board finds that overall, the Proposed Project is consistent with the goals and objectives of both the 2002 Comprehensive Plan and 2014 Comprehensive Plan Update for the reasons set forth in the *Second Amended Petition for Text Amendments to the Zoning Code of the Town of Southeast and Amendment of the Zoning Map of the Town of Southeast*, dated 10/10/14, as well as the DEIS and FEIS. Specifically, the Proposed Project would contribute to the node of economic development at the NYS Route 312 and I-84 interchange. However, the Town Board notes that the 2002 Comprehensive Plan recommended that the Project Site be rezoned to RC to protect the rural character of NYS Route 312 between I-84 and the railroad tracks (see page 7-2). To balance the Town's desire to preserve the rural

character of this corridor with economic development at this interchange, development of this site shall be required to conform to the Town of Southeast Design Guidelines for Large Retail Establishments. These guidelines set forth architectural and landscaping standards that will protect community character, and ensure that the project is an attractive addition to the community. In addition, the Proposed Project will be referred to the Town of Southeast Architecture Review Board for a report and recommendation to the Town Board.

Furthermore, the Proposed Project will be reviewed in accordance with the ridgeline protection provisions of the Town of Southeast Zoning Code and Comprehensive Plan Update. The Town Board recognizes that there is significant concern among residents of adjacent and nearby neighborhoods of the potential visual and community character impacts of the Proposed Project. As part of the DEIS and FEIS the Applicant was required to analyze the potential visual impacts of the Proposed Project. The analysis demonstrated that the Proposed Project would be visible from the North Brewster Road neighborhood (see FEIS 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. Therefore, with these mitigation measures in place, the no significant adverse community character impacts are anticipated.

COMMUNITY SERVICES

As a hotel, retail, and commercial operation, the proposed development would generate minimal direct expenses to the Town of Southeast. The project would not increase the local resident population, and thus would not require additional municipal expenses relating to social services, recreation services, or other residentially induced expenses. In addition, the tax revenue generated by the project will assist the Town of Southeast in providing services to its residents. The project would be served by a private water supply and private wastewater treatment systems, and thus not require any connections to existing municipal infrastructure. Increased need for roadway maintenance would be limited due to the nearly direct highway access of the project.

Police Protection

Police protection for the project site would be provided by a combination of personnel from the Putnam County Sheriff's Department and the New York State Police. The "closest car" concept is utilized in response to 911 emergency calls. The site would be subject to routine patrols by the Putnam County Sheriff's Department. In addition, the hotel and individual stores may employ their own security services. The Putnam County Sheriff's Department and the New York State Police do not anticipate any significant impacts to service as a result of the Proposed Project. Based on existing call volumes generated by the Highlands shopping center, both agencies anticipate that the proposed use will generate a limited numbers of calls for assistance. Therefore, the Proposed Project is not expected to adversely impact police services.

A portion of the taxes generated by the Crossroads 312 would be distributed to Putnam County and New York State. This additional revenue may provide capital to the Sheriff's Department and Troop K of the New York State Police for increasing staff size or purchasing equipment

should that be required as a result of the Proposed Project in combination with unrelated residential and/or commercial development in the future.

Fire Protection

The Proposed Project will meet the required state and local fire protection measures, including water storage tank requirements, sprinklers and fire hydrants. The Crossroads 312 site plan would require Town review and approval, including referral of the refined project plans to the local Board of Fire Commissioners for final review to confirm that the site plan continues to adequately address all fire concerns, such as building access, emergency vehicle circulation through the site, and fire protection water supply and storage system.

The Chief of the Brewster Volunteer Fire Department indicated that the Department is adequately equipped to handle anticipated fire emergencies at the proposed development and that the Proposed Project would not result in a significant impact to the Department. No significant impacts to fire protection services are anticipated as a result of the construction of Crossroads 312.

A portion of the taxes generated by Crossroads 312 would be distributed to the Brewster Volunteer Fire Department. This additional revenue would provide capital to the Department for the purchase of new fire equipment, if required in the future.

Emergency Medical Services

The need for emergency care (either for customers or employees) at the proposed development would be met by contacting the “911” call center, where a dispatcher would determine the type of emergency response required and send the nearest appropriate unit. The Brewster Volunteer Fire Department would respond to calls for emergency medical services from the Proposed Project. The Chief of the Department indicated that the Proposed Project would not result in a significant impact to the Department.

No significant impacts to emergency medical services are anticipated as a result of the construction of Crossroads 312. Tax revenues generated by the Proposed Project could be used to supplement emergency service resources.

ECONOMIC CONDITIONS

The Proposed Project is expected to have an overall positive economic effect on the Town of Southeast and Putnam County. The FEIS estimates that the Proposed Project will generate approximately \$1,756,268 in property taxes, which would be distributed as follows:

- Town of Southeast: \$153,434
- Putnam County: \$151,032
- Brewster Southeast Joint Fire District: \$27,332
- Brewster Central School District: \$1,424,470

The FEIS estimates the total sales tax generation from the Proposed Project to be \$6,394,931. This estimate includes retail and hotel taxes, and would be distributed as follows:

- MTA: \$239,810
- New York State: \$3,077,560
- Putnam County: \$3,077,560

It is recognized that the exact property or sales tax revenues generated by the project depends on a number of conditions, including the specific tenant mix, meaning that the actual tax revenue can be higher or lower than projected. Regardless of the tenants at Crossroads 312, new hotel and retail uses on the subject site will have a positive impact on annual tax revenues to all the noted taxing jurisdictions.

The Proposed Project will help to strengthen the local economy by creating jobs. The Proposed Project has the potential to add 391 full time and 158 part time employees to the employment base of the Town at full build out, across a range of salaries.

Significant displacement of existing stores, leading to blighting effects elsewhere in the Town of Southeast, is not anticipated. Analysis of consumer markets for various goods from residents of the Town of Southeast and the immediately surrounding areas indicates that sufficient consumer demand exists such that the Proposed Project will not result in cannibalization of sales from existing businesses. Rather, Crossroads 312 will help to expand the commercial tax base of the Town of Southeast and address the current loss of tax revenue to areas outside of the County. Economically, Crossroads 312 will benefit the Town of Southeast, Putnam County and New York State by recapturing and maintaining sales tax revenues that are currently exported out of the Town, County and the State.

In addition, the project would be supportive of existing policies of the County such as the "Shop Putnam" initiative, which supports commercial growth and informs residents of the goods and services available to them at businesses throughout Putnam County. Furthermore, the added taxes would provide all taxing jurisdictions needed revenue for the provision of services not only related to the project but throughout the region.

Consistent with the Town of Southeast Comprehensive Plan, the Project would advance the Town's visions for the site by providing commercial development in proximity to the interstate highway, and would reduce vehicle miles traveled by local residents who now must travel out of the area for many of their shopping needs.

Thus, it is anticipated that the Proposed Project would result in significant economic benefits to the Town, County, State and School District.

VISUAL RESOURCES

In response to comments on the DEIS, the Proposed Project was reduced in scale and additional measures to mitigate potential impacts to visual resources were integrated.

Specifically, in response to comments from residents of the North Brewster Road area, additional analysis of the potential views of the Project Site was provided in the FEIS. This analysis demonstrated that while the Proposed Project would be visible from some locations, it is not anticipated to result in a significant adverse visual impact. The location of the proposed buildings and the orientation of the site would limit the views from North Brewster Road area.

The Proposed Project involves a significant amount of excavation, including the clear cutting within the existing ridgeline area, to establish the building pad. To mitigate this disturbance, the Applicant will be required to re-vegetate the exposed sloped areas, including installing a buffer of trees along the eastern edge of the parking lot (the portion of the site nearest the North Brewster Road area). The planting plan will be finalized during Site Plan review, but shall include a mix of native evergreen and deciduous trees to provide a natural edge to the

development. The Applicant shall be required to re-vegetate the entire slope, and large expanses of rip-rap shall be prohibited.

An existing buffer of trees will be maintained along the southern property line adjacent to I-84. This buffer will be supplemented with new landscaping as part of the Proposed Project. Due to the site topography, building siting, and landscaping, the Proposed Project would have minimal visibility from I-84. The majority of the Project Site's Route 312 frontage will be cleared during the construction of the Proposed Project. However, it is proposed to be replanted and maintained as an environmental conservation buffer. This buffer will soften views of the proposed buildings and parking areas from Route 312.

Furthermore, the Applicant shall be required to utilize full cut-off LED light fixtures to minimize light pollution and glare. The proposed trees along the edge of the parking area should further mitigate potential light spill over.

With the above mitigation measures in place, significant visual impacts are not anticipated to result from the Proposed Project.

CULTURAL RESOURCES

The DEIS thoroughly evaluated the Project Site for the presence of Historic or Cultural Resources. A Phase 1A and Phase 1B were conducted, which included evaluating one hundred and eleven test pits. No historic or cultural resources were identified. As such, no significant adverse impacts to historic or cultural resources are anticipated to result from the Proposed Project.

NATURAL RESOURCES

The Proposed Project has been substantially modified through the DEIS review process and includes reduced retail square footage, refined stormwater management and infiltration systems to address stormwater, provide infiltration to maintain the hydrology to the on-site and off-site wetlands; and to protect the wetlands located at the lower portion of the site and off-site. No wetland disturbance is proposed. No disturbance of the 100' NYSDEC wetland buffer is proposed. However, approximately 0.61± acres of Town regulated buffer area disturbance is proposed to allow the stormwater facilities to discharge in a flatter area of the site.

The Proposed Project will disturb 32.5± acres of upland forested habitat on a piece of property that is located between an Interstate Highway, State road, and an active railroad line which currently limits migration and use by a variety of species. The habitat will be lost due to the project and it is considered an unavoidable impact. Due to the shape and size limitations of the site, the loss of this habitat cannot be mitigated on-site. However, the protection of the wetland buffers, edge and habitat planting and the use of infiltration of stormwater will protect the remaining flora and fauna.

A landscaping plan has been prepared to enhance the appearance of the project and also to provide benefits to wildlife species that may be affected by development of the project. The proposed native planting plan and the low diversity of wildlife, both observed and expected, would offset or minimize the loss and/or alteration of the on-site ecological communities and associated wildlife benefits.

The Town Board has considered the Proposed Project's impact on habitat loss and natural resources, and finds that the benefits of the Proposed Project, specifically the economic impacts described above, outweigh the impacts to natural resources found on the Project Site.

GEOLOGY

Any impacts to soils associated with this site work are temporary in nature and relate to erosion hazards. Virtually all of the disturbed area that does not become impervious would be graded, seeded and landscaped, including the stormwater management basins. An Erosion and Sediment Control plan has been developed for the construction period to minimize erosion of exposed soils. The Applicant would engage a qualified professional in erosion and sediment control to oversee implementation of the Stormwater Pollution Prevention Plan (SWPPP) for the Project, including its site-specific Erosion and Sediment Control Plan component.

The presence of bedrock outcrops on the site indicates that rock removal would be required for project construction. To bring the property to grade, mechanical (i.e. ripping, chipping) removal and/or blasting will be required. Site conditions would mandate which method of rock removal would be required for specific areas on the property. The bedrock excavated on the site would be used as fill, for construction of stone walls and retaining walls, or processed and used as sub-base material for the driveways and parking areas. Blasting would result in short-term and temporary noise impacts and would be carried out in accordance with blasting protocol that meets all New York State and Town of Southeast requirements for blasting. A Blasting Permit will be secured from the Town of Southeast Building Inspector. Refer to the Construction section below for additional information on rock removal.

With the modifications to the Proposed Project, and incorporation of the proposed mitigation measures presented in the DEIS and FEIS, significant impacts to geology, soils and slopes are not anticipated.

WETLANDS AND WATER RESOURCES

No direct impacts are proposed within wetlands, or within the DEC-regulated 100-foot wetland adjacent area. Minor impacts (0.61 acres) for grading for the stormwater management system and placement of level spreaders are proposed within the Town regulated wetland buffer which varies from 133 to 166 feet. Indirect impacts to wetlands, including changes in hydrology and water quality, were evaluated with respect to the proposed stormwater treatment system.

The proposed stormwater treatment system was created to promote infiltration of surface water runoff back into the soil, as well as provide water quality treatment, including velocity reduction for erosive flows. The on-site soil in the vicinity of the infiltration area can be described as a silty, gravelly sand overlying bedrock that varies in depth from 4.5 to 15 feet. The required 3 feet of separation from the bottom of infiltration devices and bedrock will be met.

The stormwater management system for the proposed project includes controlling runoff from Route 312 within a drainage system containing several drop manholes. These manholes are designed to reduce the velocity of the flow as it travels through the site, where it is then released along a level spreader in the uplands near the wetland buffers, to mimic more natural conditions. The currently-existing, eroded channels that carry high-velocity stormwater runoff and sediment through the forest floor and into the wetland and wetland buffer will be no longer receive stormwater runoff from the highway, thereby returning this habitat to a more natural and less disturbed state.

Site design efforts have focused on conservation measures aimed at protecting the wetland and wooded wetland buffer habitats on the property. Seventy-three percent (37.74 acres) of the site will consist of undeveloped areas and areas of green space (pervious areas, not including pervious pavement). The acreage that will remain undeveloped includes a linear section of unbroken forest in the eastern portion of the site, along the western edge of DEC regulated Freshwater Wetland BR-18. Native plantings, trees, shrubs, and grasses, are proposed in and around the areas of development to improve habitat quality in these areas. Finally, the edge of the development closest to the wetland buffer (below the retaining walls) will be replanted with native vegetation: meadow, lawn, and bioretention basin seed mixes, to ensure stabilized. Additional, existing vegetation (trees, shrubs, and herbaceous vegetation) will remain between the development and the wetlands.

A preliminary SWPPP has been compiled to provide the project with an extensive system of stormwater practices for both water quality improvement and peak flow attenuation. The proposed practices include bioretention basins and infiltration chambers for green infrastructure techniques and micropool extended detention basin for additional treatment and quantity control.

The surface runoff received in infiltrators will become groundwater and migrate to the down gradient wetland in much the same manner as presently occurs. Improvement of this runoff will begin by filtration through bioretention soil. A drainage collection system installed at the bottom of each basin will outlet to the end-of-line micropool extended detention basins located adjacent to the wetland buffer. These basins will contain a permanent pool controlled by an outlet structure. Outflow will be piped to level spreaders adjacent to the wetland buffer. Some amount of exfiltration to the soil underlying the extended detention basins can be expected. Similarly some amount of exfiltration at the level spreader trenches should be expected. The stormwater management system therefore offers a variety of techniques to return surface runoff to the ground and allow recharge of the wetland to continue.

The analyses contained in the preliminary SWPPP indicate that the stormwater practices proposed for the project site will mitigate the quantity of runoff generated in each storm even to rates equivalent or below the rates generated in the undeveloped condition. In regard to runoff quality, an analysis of effect of the project on phosphorus load contribution to receiving water indicates that the proposed stormwater practices will achieve reductions of phosphorus under loads generated in existing conditions. As discussed above, the discharges are being designed as broad level spreaders, in order to better mimic existing hydrologic conditions while reducing erosive flow.

The New York State Stormwater Design Manual requires that 100% of the water quality volume (WQv) generated by a project's coverage be considered for capture in one or more runoff reduction practices. Capture of a lesser minimum volume is allowed where site conditions exist that prevent capture of the full WQv and justification is provided. It was stated in the FEIS (Storm-11) that the stormwater design for the project provides for capture of the entire water quality volume (WQv) generated by the 1 year storm event in standard practices providing runoff reduction volume i.e.: infiltration chambers and bioretention basins. The volume is divided such that 60% is received in infiltration chambers and 40% is received in bioretention basins. Filtered water through the bioretention basin is collected and directed to micropool extended detention basins for additional water quality improvement. Some of the water received in the detention basins will be absorbed to the ground and some will discharge to the surface. In each instance all water is ultimately received in the downgradient wetland.

The Proposed Project would not involve any direct disturbance to on-site or adjacent wetlands. Anticipated wetland impacts are limited to 0.61 acres of disturbance to Town regulated wetland buffer area for the construction of stormwater management practices. With the proposed mitigation measures in place, no significant adverse impacts to wetlands or watercourses are anticipated.

WATER SUPPLY

The FEIS estimates water demand for the Proposed Project at 22,295 gallons per day (gpd). The Applicant proposes to connect to the combined wells at Terravest corporate park on the west side of Route 312 across from the Project Site. According to the DEIS and FEIS, pumping tests have indicated that there is sufficient capacity in the wells at Terravest to meet the water demands of the existing uses and proposed senior housing use at Terravest, as well as the Proposed Project. The proposed connection will be subject to all applicable New York State, including NYSDEC, and Putnam County Department of Health permits.

SANITARY SEWER

The Proposed Project would connect to the existing private wastewater treatment plant that services the Terravest corporate park. The existing wastewater treatment plant has a design capacity of 51,800 gpd, however the average daily discharge of treated effluent in 2013 was 2,750 gpd.

The FEIS includes a Wastewater Flow Calculation chart to evaluate the plant's capacity against existing and proposed uses. Based on projected flows, the wastewater treatment plant would have 15,827 gpd in excess capacity after future connection of the remaining sites in Terravest corporate park and the Crossroads 312 development. Therefore, sufficient wastewater treatment capacity exists to meet the needs of the Proposed Project. The proposed connection will be subject to all applicable New York State, NYCDEP, and Putnam County Department of Health permits.

In addition, § 138-45.B(4) of the Code of the Town of Southeast requires Site Plan approval for, “**Any change of use that includes alterations to the exterior of any building or structure, site improvements, or changes in site grading, or that, by virtue of the new use, would result in any increase in consumption of water, production of wastewater, or the generation of traffic.**” As such, the Town of Southeast has the ability to monitor existing and proposed uses within the Terravest corporate park, as well as the Crossroads 312 development, to ensure that the wastewater treatment facility has the capacity to meet the needs of existing and future uses. Through the Site Plan approval process, the Town may put a cap on the development of either site and/or limit the types of uses permitted based on the capacity of the wastewater treatment system.

STORMWATER MANAGEMENT

In response to comments from the Town and Involved and Interested Agencies, an updated preliminary SWPPP was provided in the FEIS that includes analysis of the projects' impact on phosphorus loads. Stormwater generated during construction of the Proposed Project will be mitigated through implementation of the SWPPP including the phasing of construction into five acre segments per NYSDEC requirements. The plans will continue to be refined through the site plan review process subject to NYCDEP and Town review. If construction of the project cannot be completed in 5 acre increments, then the site plans will be subject to review by NYSDEC for

compliance with the additional standards of Part II.C.3 and will require written permission from NYSDEC. 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 captured in both infiltration systems and bioretention basins. Storms above the one year event will be diverted to micro pool extended detention basins for treatment and reduction of peak flow rates. Storm discharges will meet pre-development conditions for quality and quantity.

Per NYCDEP requirements, off-site road improvements shall meet the requirements of the NYSDEC Stormwater Manual for quantity control, runoff reduction and quality improvements. The stormwater treatment and control will be addressed at the site of the respective improvements. In addition, the applicant will continue to discuss with NYSDOT the existing overflow condition on Route 312 which directs overflow runoff downhill toward the wetland at Ice Pond Road.

Exploratory deep tests and soil borings have been conducted at numerous locations throughout the property as were described in Appendices M and N of the DEIS. The preliminary plans for stormwater management on the site account for the limiting depths to groundwater and rock where practices have been sited based on the results of the nearest tests. The proposed practices include bioretention basins and infiltration chambers for green infrastructure techniques and micropool extended detention basin for additional treatment and quantity control. As the site design process advances additional soil testing will be conducted for observation by the NYCDEP. Representative deep tests will be excavated within the confines of bioretention and extended detention basins. Deep tests and percolation tests will be conducted as necessary in areas of proposed infiltration chambers.

Therefore, with the proposed stormwater pollution prevention plan measures in place, the Town Board finds that the Proposed Project would not have a significant adverse impact on stormwater.

TRAFFIC AND TRANSPORTATION

In response to comments from the Town and public on the DEIS, the Proposed Project was substantially reduced in size. 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 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 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.

Traffic operation conditions along Route 312 and throughout the Study Area roadway network are expected to continue deteriorating by the projects horizon year 2015 without the traffic generated by the proposed development, as traffic volumes are projected to continue to grow 0.8 percent annually and several other planned developments along State Route 312 and in the vicinity of the Study Area are projected to be completed in the near future. Results of the Capacity Analysis and Storage/Queue Analysis for the 2015 no-build conditions indicated that even without traffic volumes associated with the proposed action, there will be significant deficiencies throughout the Study Area along State Route 312 between U.S. Route 6 and State Route 22 and in the vicinity of the Interstate-84 interchange. The 2015 no-build analysis identifies specific locations that will experience a deterioration in Level of Service, increase in delay and queue lengths (feet) that exceed available storage length (feet). Regardless of whether the proposed Crossroads 312 development is approved the adjacent roadway network will require improvements.

In the analysis, the project traffic engineer found that the results of the 2015 no-build analysis indicate the following key intersections, lane groups and movements will experience significant delays if the project is not built:

1. Route 312 at I-84 Eastbound Interchange 19 On/Off Ramps and Independent Way
 - a. Westbound left-turn lane group total delay between 55.0 and 80.0 seconds/vehicle during the weekday afternoon peak hour;
 - b. Southbound left-turn lane group total delay between 55.0 and 80.0 seconds/vehicle during the weekday afternoon peak hour; and,
 - c. Eastbound through lane group 95th percentile queue length will exceed available storage during the weekday afternoon peak hour.
2. U.S. Route 6 at Route 312/Access Road
 - a. Eastbound left-turn lane group 95th percentile queue length will exceed available storage during all three Study peak hours; and,
 - b. Southbound left-through lane group 95th percentile queue length will exceed available storage during the weekday morning and weekday afternoon peak hours.
3. Route 312 at Independent Way at Applebee's Home Depot Access Drive
 - a. Eastbound left, through and right-turn movements average control delay exceed 50.0 seconds/vehicle during the all three Study peak hours;
 - b. Westbound left, through and right-turn movement average control delay exceed 50.0 seconds/vehicle during the Saturday midday peak hour;
 - c. Eastbound left, through and right-turn movements 95th percentile queue length will exceed available storage during all three Study peak hours; and,
 - d. Westbound left, through and right-turn movements, 95th percentile queue length will exceed available storage during the Saturday midday peak hour.

At this time, any traffic added to the Route 312 Corridor, such as that of the proposed Crossroads 312 development, will only compound future conditions. Therefore, the Applicant has proposed two plans of action to mitigate traffic conditions and the inevitable delays and

congestion that will be experienced on Route 312 and the adjacent street system. The first plan of action, “The Recommended Improvements,” includes several geometric/physical changes to the existing roadway infrastructure to increase the overall capacity of the roadways and intersections through the addition of turning lanes, storage bays and entire roadway lanes where appropriate. It also includes the implementation of Intelligent Transportation System (ITS) infrastructure which will help to optimize traffic signal operations (i.e. signal cycle length, split timing, etc.), provide better coordination between signals and improve the overall progression of traffic throughout the Corridor to reduce stops and delays.

Specific road improvements by intersection and approach include:

1. Route 312 at Route 22/Town Center Access Drive
 - a. Eastbound approach: Add a 225-foot right-turn pocket; and,
 - b. Optimize traffic signal cycle length, splits & offsets.
2. Route 312 at Farm to Market Road/Brewster Hill Road
 - a. Fine Tune Traffic Signal Timing Plan.
3. Route 312 at North Brewster Road
 - a. Westbound approach: Add 100-foot westbound left-turn pocket; and,
 - b. Install actuated traffic signal and interconnect.
4. N.Y.S. Route 312 at International Boulevard/Proposed North Access Driveway
 - a. Eastbound approach: Restripe for a shared through/right-turn lane;
 - b. Westbound approach: Proposed north access driveway;
 - c. Southbound approach: Provide 150-foot left-turn pocket;
 - d. Northbound approach: Restripe for 200-foot left-turn pocket;
 - e. Northbound approach: Restripe for a shared through/right-turn lane; and,
 - f. Upgrade traffic signal hardware and revise traffic signal timing plan.
5. N.Y.S. Route 312 at Interstate 84 Westbound Ramps/Proposed South Access Driveway
 - a. Eastbound approach: Restripe for one through lane and provide a 300-foot right-turn pocket;
 - b. Westbound approach: Proposed south access driveway;
 - c. Northbound approach: Provide a 350-foot right-turn channelized pocket with YIELD sign;
 - d. Southbound approach: Restripe for a 150-foot left-turn pocket;
 - e. Southbound receiving lane: Provide a 425-foot right-turn pocket; and,
 - f. Upgrade traffic signal hardware and revise traffic signal timing plans.
6. Route 312 at Independent Way/ Interstate-84 Eastbound Ramps
 - a. Eastbound approach: Restripe for one left-turn lane, one through lane and one right-turn lane;

Crossroads 312

- b. Westbound approach: Restripe to two left-turn lanes, one through lane and one right-turn lane; and,
 - c. Upgrade traffic sign hardware and revise traffic signal timing plan.
7. Route 312 at Office Access Drive
 - a. Westbound approach: Provide a 350-foot left-turn pocket.
8. Route 312 at Route 6
 - a. Eastbound receiving lane: Add a 625-foot receiving lane;
 - b. Westbound approach: Lengthen pocket to 625 feet;
 - c. Southbound approach: Restripe to double left-turn; and,
 - d. Revise traffic signal timing plan.

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.

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:

1. Total Delay Per Vehicle; and,
2. 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. 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:

1. Route 312 at Interstate 84 Eastbound Interchange 19 On/Off Ramps and Independent Way
 - a. Northbound through lane total delay between 55.0 and 80.0 seconds/vehicle during the Saturday midday peak hour only;
 - b. Southbound left-turn lane and through lane total delay between 55.0 and 80.0 seconds/vehicle during the weekday afternoon and Saturday midday peak hours; and,
 - c. Southbound approach total delay between 55.0 and 80.0 seconds/vehicle during the Saturday midday peak hour only.
2. Route 312 at Independent Way at Applebee's/Home Depot Access Drives
 - a. Eastbound left-through-right lane group 95th percentile queue length will exceed available storage during all three Study peak hours. (It should be noted that there is significant amount of space on the Applebee's property to accommodate any queuing). The implementation of a traffic signal at this intersection will significantly increase the safety, specifically of vehicles entering and exiting the property.

Therefore, the Town Board finds that the potential traffic impacts of the Crossroads 312 project will be mitigated by the proposed traffic improvement measures, and that the proposed roadway improvement measures will improve the overall conditions of the Route 312 corridor. Site Plan approval for the Proposed Project shall be conditioned on the acquisition of a NYSDOT Highway Work Permit to construct the required mitigation measures described in the FEIS. The applicant shall be required to copy the Town Board on all correspondence and submissions to the NYSDOT. Any changes requested by NYSDOT to the proposed mitigation measures shall be reviewed by the Town Board in the context of this Findings Statement.

AIR QUALITY

The DEIS included an assessment of potential project air quality impacts in compliance with the New York State Department of Transportation-Environmental Procedures Manual (2001) (NYSDOT-EPM) requirements. The screening assessment evaluated future No Build and project Build conditions with respect to criteria established in the EPM for assessing the traffic-related air quality impacts of projects. Since this project is altering intersection roadway designs subject to the specific policies of the NYSDOT, the EPM air quality assessment procedures were used as a guideline to determine if the project generated traffic would result in any violation of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) levels. The need for an air quality assessment for this project was evaluated by screening the levels-of-service at several key intersections analyzed in the traffic report for potential impact of project generated traffic.

Based on the results of the air quality impact assessment under the NYSDOT-EPM procedures for proposed project conditions, site-generated traffic will not require further mitigation of resulting air quality levels for criteria pollutants. The affected intersection improvements

required to accommodate both future and project generated traffic volumes and have acceptable traffic level-of-service conditions in the study area, resulted in maximum CO levels in compliance with the NAAQS at the worst-case intersection of Route 312 at the Project Site Entrance.

The FEIS considered the changes to the Project since the issuance of the DEIS, and found that the air quality assessment conclusions presented in the DEIS would not change. The DEIS evaluated a larger project than that which was presented in the FEIS, as such, the analysis contained in the DEIS is considered conservative. Therefore, the Proposed Project will not have any significant adverse air quality impacts.

NOISE

The DEIS included an assessment of existing noise levels in accordance with the New York State Department of Environmental Conservation (NYSDEC) Program Policy on noise and both the Federal Highway Administration (FHWA)/New York State Department of Transportation (NYSDOT) noise criteria to determine if project generated traffic noise on affected access roads exceeded acceptable noise level criteria for adjacent residential land uses. The Proposed Project was evaluated regarding proposed operations and new equipment noise sources to address the potential effect of increased site activity on noise levels at the nearby residential properties based on the NYSDEC criteria.

The DEIS did not identify any significant adverse noise impacts, nor did it recommend any mitigation measures. According to the DEIS, the Proposed Project would result in an imperceptible (less than 1dBA) increase over future No Build noise levels due to site generated traffic, in no offsite noise impacts due to the proposed onsite HVAC equipment, and in less than a 3dBA (imperceptible) short term increase in receptor noise levels due to daytime construction activity, all in compliance with both the FHWA/NYSDOT criteria and the NYSDEC Program Policy for assessing project noise impacts under SEQRA review requirements.

The FEIS considered the changes to the Project since the issuance of the DEIS, and found that the noise assessment conclusions presented in the DEIS would not change. The DEIS evaluated a larger project than that which was presented in the FEIS, as such, the analysis contained in the DEIS is considered conservative. Therefore, the Proposed Project will not have any significant adverse noise impacts.

CONSTRUCTION

Impacts associated with construction will be temporary and will be controlled using standard best management practices and observance of applicable rules and regulations. An Erosion and Sediment Control plan has been prepared for the project and will be implemented in accordance with the requirements of the New York State Department of Environmental Conservation General Permit GP-0-08-001 for Construction Activities. The Applicant will engage a Qualified Professional (i.e. P.E., RLA, CPESC) to oversee implementation of the SWPPP for the project, including its site specific Erosion and Sediment Control Plan component.

The presence of bedrock outcrops on the site indicates that rock removal would be required for project construction. It is expected that rock removal via blasting and/or other mechanical methods would be used. In areas where weathered bedrock is encountered and minimal cutting is needed mechanical means (i.e. ripping, chipping) may be employed in lieu of blasting. Site conditions would mandate which method of rock removal would be required for specific areas

on the property. Blasting would result in short-term localized impacts that would be offset to the maximum extent practicable through the incorporation blasting protocol. The Blasting Protocol and Blasting Plan will meet all New York State and Town of Southeast requirements for blasting. A Blasting Permit will be secured from the Town of Southeast Building Inspector.

Any impacts associated with construction activity will be temporary in nature and will only occur during daylight hours. The relative isolation of the project site from sensitive receptors, and the ambient noise level associated with existing traffic on NYS Route 312 and Interstate 84 will minimize any noise impacts during construction of the Proposed Project.

GROWTH INDUCEMENT AND CUMULATIVE IMPACTS

Induced growth associated with the Proposed Project would be expected to strengthen the local economy as well as increase opportunities for local employment, purchases and sales. In addition, other New York area shoppers that would otherwise make purchases or stay in hotels in Connecticut may be recaptured, keeping additional sales and hotel tax revenues within New York State, Putnam County and the Town of Southeast.

ENERGY CONSUMPTION AND CONSERVATION

Energy consumption would occur during construction and operation of the Proposed Project. During construction, energy would be used for power equipment and construction vehicles. Once construction is completed and the Project occupied, energy would be required for heating, air conditioning, and the use of various appliances and electrical equipment. New York State Electric & Gas acknowledge that they would be able to provide required utility services at the Project location. In addition, the Proposed Project would be required to comply with the requirements of the NYS Energy Conservation Construction Code.

In addition, the Proposed Project would reduce travel time, mileage and fuel consumption for local residents who currently travel long distances to shopping centers out of the county or state. The Proposed Project would benefit local residents by providing them with a wider variety of retail offerings than currently exists in Putnam County, precluding the need for them to travel long distances for comparative shopping and selection of goods that are currently available only in surrounding counties. This could potentially result in a significant reduction in vehicle miles traveled (VMT), thereby reducing gas usage and vehicular emissions at the regional level.

Finally, the Proposed Project would incorporate a number of green building practices that would conserve energy and offset potential adverse impacts associated with energy consumption related to the construction and operation of the Proposed Project.

ALTERNATIVES

The New York State Environmental Quality Review Act (SEQRA) calls for a description and evaluation of the range of reasonable alternatives to the action, which are feasible, considering the objectives and capabilities of the project sponsor.

As required under SEQRA (Part 617.11), the Lead Agency's "[f]indings must weigh and balance relevant environmental impacts with social, economic and other considerations" and "certify that consistent with social, economic and other considerations from among the reasonable alternatives, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable...".

The DEIS analyzed the following alternatives for the Crossroads 312 project:

- No Action Alternative with no development proposed; this is effectively an open space preservation alternative.
- Existing Zoning: Development under the existing RC Zoning District. The development footprint would be similar to the Proposed Project but a large retail establishment would not be permitted.
- HC-1 with Hotel: similar footprint to the Proposed Project, but with the incorporation of a hotel use.

The applicant found that the Existing Zoning Alternative was not viable because of the lack of demand for office uses. The Applicant did find that the proposed HC-1 with Hotel was a viable alternative to the originally project presented in the DEIS, and a reduced scale version of that alternative was the subject of the FEIS and comprises the currently Proposed Project.

The Town Board has determined that the Economic Impact Analysis and supporting documentation presented in the Crossroads 312 DEIS and FEIS shows purchasing power and demand in the market are sufficient to support the amount of retail and hotel space planned under the Proposed Project. The DEIS and FEIS further indicate that the subject site is an appropriate site to meet this unmet demand for numerous reasons, including, but not limited to, the fact that the Town's Comprehensive Plan envisions commercial development at the I-84 Route 312 interchange, and there are limited other lands in Southeast available to meet this unmet demand for retail goods and services. Reducing the scale of the project at this location would likely result in additional commercial development in other areas of Town, many of which do not provide the same transportation infrastructure, convenience, use compatibility, and size of the subject site.

The Town Board recognizes that there is great difficulty in securing financing for commercial projects. Financing institutions are risk averse and want to be assured that the success of a project is highly likely, with mixed uses and or a concentration of uses that will assure that tenants can be attracted and retained. The Applicant has substantially reduced the scale if the Proposed Project from what was originally presented in 2009, as well as from what was presented in the 2013 DEIS. Further reducing the scale of the project is not consistent with these factors as it reduces the types and concentration of uses, rental income, and property values compared to the Proposed Project, as planned.

Further, the Town Board finds that potential adverse impacts of the Proposed Project are mitigated through a number of mitigation measures incorporated into the project design including on-site (e.g., site design and stormwater management program elements) and off-site (e.g., traffic improvements) such that the benefits of the project outweigh any potential impacts to natural resources and reduced scale alternatives are not necessary to pursue.

Furthermore, the Town Board assessed the difference in the level of the impact to natural resources, traffic, stormwater, etcetera, between each of the alternatives and determined that these differences do not represent significant adverse impacts.

As the project moves forward through Special Permit review and Site Plan review, including amendments thereto, certain modifications may be made to the project design relating to building location, building footprint, and total square footage. If such plan modifications result in substantially similar amounts of square footage, construction activity staying substantially within the same limits of disturbance, and with substantially similar amounts of impervious surface area as set forth in the DEIS and FEIS, then no further environmental review under

SEQRA will be required. If, however, the plans are modified in a manner that may increase the amount or extent of environmental impact beyond that analyzed in the DEIS and FEIS, then the Town may require additional environmental review.

CERTIFICATION TO APPROVE, FUND, OR UNDERTAKE

After due consideration and pursuant to Article 8 of the Environmental Conservation Law and 6 NYCRR Part 617, the Town Board of the Town of Southeast, as Lead Agency, finds that:

- 1) The requirements of 6 NYCRR Part 617 have been met and complied with in full; and
- 2) Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the proposed Crossroads 312 project as modified and set forth in the FEIS and to be approved, is one that minimizes or avoids significant adverse environmental impacts to the maximum extent practicable; and
- 3) Consistent with social, economic and other essential considerations, to the maximum extent practicable, significant adverse environmental impacts identified in the environmental impact statement will be minimized to the maximum extent practicable or avoided by incorporating as conditions to the decision the mitigation measures identified as practicable in the environmental impact statement and this Findings Statement; and
- 4) The Proposed Project balances potential beneficial impacts in the form of new jobs for residents of the Town of Southeast and Putnam County; generation of tax revenues for the Town, School District, County and State; with potential adverse impacts; and
- 5) This written findings statement contains the facts and conclusions used by the Town Board to support its decision.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

UPON ROLL CALL VOTE:

Councilman Alvarez	<u>Aye</u>
Councilwoman Eckardt	<u>Nay</u>
Councilman Cullen	<u>Aye</u>
Councilwoman Hudak	<u>Aye</u>
Supervisor Hay	<u>Nay</u>

VOTE: carried by a vote of 3 in favor, 2 against; 0 abstained.

A COPY OF THIS NOTICE HAS BEEN SENT TO:

Lead Agency:

Town Board, Town of Southeast, 1360 Route 22, Brewster, NY 10509

Involved Agencies:

Town of Southeast Planning Board, 1 Main Street, Brewster, NY 10509

Town of Southeast ARB, 1 Main Street, Brewster, NY 10509

Putnam County Department of Health, 4 Geneva Road, Brewster, NY 10509

New York City Department of Environmental Protection, Bureau of Water Supply, 465 Columbus Avenue, Valhalla, New York 10595-1336

New York State Department of Transportation, Region 8, SEQR Unit, Traffic Engineering & Safety Division, 4 Burnett Boulevard, Poughkeepsie, NY 12603

New York State Department of Environmental Conservation, Region 3, 21 South Putt Corners Road, New Paltz, NY 12561-1696

New York State Department of Environmental Conservation, 625 Broadway, Albany, New York 12233-1750

Interested Agencies:

Town of Southeast Fire Inspector, 1 Main Street, Brewster, NY 10509

Town of Southeast Highway Superintendent, 1360 Route 22, Brewster, NY 10509

Town of Patterson, Town Hall, 1142 Route 311, Patterson, NY 12563

Putnam County Department of Highways & Facilities, 331 Fair Street, Carmel, NY 10512

Putnam County Division of Planning and Development, 841 Fair Street, Carmel, NY 10512

New York State Office of Parks, Recreation and Historic Preservation, Field Services Bureau, P.O. Box 189, Pebbles Island, Waterford, NY 12188-0189

New York State Thruway Authority, Administrative Headquarters, 200 Southern Blvd., P.O. Box 189, Albany, NY 12201-0189

New York State Department of Health, Corning Tower, Empire State Plaza, Albany, NY 12237

Applicant:

Crossroads 312, LLC & JPH Development Corp.
Covington Management Co., Ltd.
322 Clock Tower Commons

Brewster, NY 10509

DEIS Preparer:

LADA, P.C. Land Planners
104 West Street
Simsbury, CT 06070
(860) 651-4971
Contact Person: Philip E. Doyle

Environmental Notice Bulletin:

NYS Department of Environmental Conservation, 625 Broadway, 4th Floor, Albany, NY 12233-1750

TOWN CLERK'S CERTIFICATION

STATE OF NEW YORK)
 : ss.:
COUNTY OF PUTNAM)

I, MICHELE STANCATI, Town Clerk of the Town of Southeast, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Town Board of the Town of Southeast at a meeting of said board held the 18th day of December, 2014.



MICHELE STANCATI

Town Clerk