



November 19, 2014

Supervisor Tony Hay and
Town of Southeast Town Board
1360 Route 22
Brewster, NY 10509

Re: Crossroads Route 312, LLC
Revised Final Environmental Impact Statement
Response to Comments
Engineering Review
NLJ #0001-0911

Dear Mr. Hay and Members of the Board:

As requested, in addition to the items noted in our October 31, 2014 letter, we have reviewed revised Chapters and accompanying Exhibits of the FEIS for the above referenced project that were transmitted to us via email through November 18, 2014.

At this time, we can confirm that our comments with respect to completeness of the FEIS have been satisfactorily addressed with the exception of minor items identified in the attached marked up pages. It is our understanding that these items will be addressed with the final printing of the document.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

NATHAN L. JACOBSON & ASSOCIATES, P.C.

Thomas H. Fenton, P.E.

THF:thf

cc: T. LaPerch
S. Coleman
W. Stephens, Jr.
M. Stancati
A. Ley
LADA, P.C
Bibbo Associates, L.L.P

Nathan L. Jacobson & Associates, Inc.

Nathan L. Jacobson & Associates, P.C. (NY)
86 Main Street P.O. Box 337 Chester, Connecticut 06412-0337
Tel 860.526.9591 Fax 860.526.5416

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the requirements of the proposed modified Section 138-15.1A and 138-15.1B of the Zoning Regulations which allows a maximum cut or fill slope of 30' ~~33'~~ ^{in height} with the proposed waiver), slopes will not exceed 2:1 and retaining walls will be maintained at 10' height or (11' with the proposed waiver). Site development including the stormwater management system is shown on the preliminary site plan, Map #7. Existing conditions are shown on Map #8.

Parking for the site is based on the Zoning Regulations which require a specific number of parking spaces per square foot of use. The project may include 3,750+/- sf of restaurant space, requiring 70 parking spaces. The 136,000+/- sf retail buildings will require 544 parking spaces and a 100 room hotel will require 100 parking spaces as per the Town requirements. The total town required parking is 714 +/- parking spaces; 721 +/- parking spaces are shown on the FEIS plans.

Parking is proposed below the 100 +/- room hotel building footprint. The DEIS did not include the hotel in the primary plan because hotel use is not presently allowed in an HC-1 zone either as a Permitted or Special Permit use. The hotel is proposed in response to numerous comments received in the public comment period suggesting that there was a need for this use in the community. Due to the fact that hotel uses are not currently allowed in the HC-1 zone, the Town Board would need to revise the HC-1 zone to allow hotels at four(4) stories in height. The zone modification would also need to address parking under the hotel. Parking below a hotel will not be counted toward either FAR or building height.

With the exception of adding a hotel use to the HC-1 Zone list of allowed Permitted or Special Permit uses, the FEIS is consistent with the current Town of Southeast Zoning Regulations HC-1 zone requirements as well as the Large Retail Establishment additional regulations (Section 138-63.4). The proposed zone change also includes three other modifications, as part of the zone change, to the existing zoning regulations, as noted in the DEIS. They are:

1. Modify Section 138-15.1A and B to allow a modification of the slope requirements of up to 3' for cut and fill slopes and 1' per retaining wall to allow for greater flexibility to respond to site conditions and tenant needs;
2. Modify Section 138-12.I ridgelines to permit limited disturbance;
3. Modify the process for review of Large Retail Establishments to place review and approval authority for Site Plan, Special Permit and Wetland Permit of these types of projects with the Town Board, and as mentioned immediately above;
4. Permit hotels of 4 stories and 50' in height in an HC-1 Zone. Permit parking below the hotel with no increase in FAR or height imposed by the parking.

The proposed project will be buffered from view to the greatest amount possible. The Large Retail Establishment regulations (Section 138- 63.4) require the maintenance or creation of an "Environmental Conservation Buffer" (Buffer) along NYS Route 312 and I-84 of 75' and 50' respectively. The Buffer along Route 312 will be created via grading and planting. Fill will be placed to create a visual screen berm. Plants will be installed along the road frontage with a

GEOLOGY

Chapter Nine

In response to comments raised during the review of the DEIS, additional details regarding the proposed fill slopes and global stability have been provided in this chapter. In addition, these comments related to the relationship between the proposed infiltrator system and fill slope below them which is addressed in Chapter 13. As required by all site plan projects when the project continues with site plan review, additional soil testing and site specific details will be required to ensure that all slopes can be stabilized as shown on the site plans, that the proposed infiltration system will not affect the stability of the slopes uphill or downhill of their location, and that the soils have the capacity to infiltrate the volume of water proposed by the infiltration system.

Comment Geo-1

GEOLOGY

- As previously noted, geotechnical details of design for retaining walls and manufactured 2:1 (two horizontal to one vertical) slopes should be provided. (NLJA (11/12/2013))*

Response:

The full construction details of the site retaining walls have not been finalized at this early stage of the project, but the sketch included at the end of this chapter depicts the typical geometry and construction of the proposed fill sloped embankment and boulder walls. As seen on the sketch the fill slope will be constructed at 2H:1V (horizontal to vertical), above three 10-foot high tiered boulder walls. Each boulder wall will be separated from the adjacent wall by a ten-foot distance. The bench between each wall will be planted with a dense ground cover, noninvasive vine, shrub, or ornamental trees and be sloped so as to shed water. The batter of the boulder walls will be approximately 1H:3V, and the slope of the berms will be about 5H:1V. Preliminary analyses were performed to determine that the proposed slope and boulder walls will be stable (at the proposed locations and proposed slope/wall heights and geometries).

1H:4V →

based on the sketch

Regarding the 2H:1V slopes, their design is typical and will require use of non-organic granular materials placed in lifts and compacted to a minimum of 92% of Dry Density, or if rock fill is used, the project's specifications will specify detailed means and methods to place the rock-fill materials in maximum lift thicknesses that match the compaction equipment sizes/weights and a minimum number of passes (four in each direction) to achieve the required strength and stability. Gradation requirements will also be provided for the choker layer material at the top of rock fill materials and below the building pad

OFF-SITE IMPROVEMENTS - NYCDEP will require that the off-site road improvements meet the requirements of the NYSDEC Stormwater Manual for quantity control, runoff reduction and quality improvements. Where possible, the stormwater quantity control will be addressed on-site. While it may not be physically possible to address all stormwater issues on-site due to elevation, the required stormwater improvements will be provided as part of the project. 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. Although that wetland system is dependent on existing stormwater runoff from Route 312, the Town Engineer has requested an overall review of this stormwater condition.

INFILTRATION AREA- During the review of the DEIS, the applicant was requested to provide additional detail regarding the proposed infiltration system and how it is to be constructed on the site. Exhibit 13-A was prepared to show two typical cross-sections of the infiltration area. These details show the location of the underground system relative to existing garde and the proposed fill slope to the south. This detail was forwarded to NYSDEC to confirm that the cross-section meets the requirements of the NYSDEC Stormwater Manual for its compliance due to the existing underlying existing slope condition. ~~Conversations with NYSDEC indicate that the slope condition would be met through the creation of a stable pad similar to the design of a septic system which is indicated in the detail.~~ During review of the FEIS, the Town Engineer asked for clarification of how the proposed infiltrator system would be designed to ensure that the stability of the soils would be maintained once water is allowed to flow through the system. The project geo-technical engineer developed a typical cross-section to show how the slope would be stabilized to promote infiltration downward and not outward through the slope. This detail is attached at Exhibit 13-B. Exhibit 13-C shows alternate area where infiltration could be considered on the site in the event that the proposed location and system can not meet NYSDEC requirements.

Insert Attachment A ←

←
Email correspondence from NYSDEC indicates that this detail is acceptable

provided the infiltration rates and seperation to groundwater/bedrock criteria are satisfied.

Comment Storm-1

Chapter 9: Water Resources and Wetlands
DEP is concerned that increases in phosphorus loading from the proposed action will have the potential to accelerate the degradation of water quality in Diverting Reservoir. Furthermore, any increases in phosphorus loads exported from the site could impact the Town's ability to meet NYS-mandated phosphorus reductions. As such, a pre- and post-development stormwater runoff pollutant loading analysis should be prepared to evaluate the pollutant loading impact created by the proposed development. (NYCDEP (11/12/13))

ATTACHMENT A

TREATMENT OF STORMWATER RUNOFF FROM OFFSITE AREAS - The property receives piped discharge of runoff from Route 312 and contributing offsite land to the west. It was previously intended to capture drainage from the northernmost culvert crossing under Route 312 for treatment in the project's stormwater system. The design has been re-evaluated to determine whether the discharge from the southern culvert (offsite subbasin #11) could also be collected for treatment in the project stormwater system. With modest expansion of Infiltration system #1 (to a size similar to Infiltration system #2) the runoff from the 3.1 acres in Offsite subbasin #11 can be properly handled in both Infiltration System #1 and Extended Detention Basin #1. As a result the formerly proposed diversion pipe and separate outlet for this subbasin can be eliminated and water quality received in the wetland further enhanced. The plans and calculations will need to be revised to reflect these elements.

- 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,
 - 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*
- 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.

In conclusion, it is the opinion of the project traffic engineer that the Crossroads 312 development and its related roadway improvements are vital to the future operation of the Route 312 Corridor.

Insert Attachment B

ATTACHMENT B

Timing of Off-Site Improvements

Typically due to the nature of DOT projects, the Work Permit application for the road improvements is not submitted until after Site Plan Approval. In the past, the Town has required the Work Permit be approved before any Building Permits are issued for construction on the site. It is anticipated that off-site improvements will be completed prior to issuance of Certificates of Occupancy subject to review by the Town.