



***Environmental and Planning Consultants***

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## **Memorandum**

---

**To:** Town of Southeast Town Board  
**From:** Ashley Ley, AICP and Anthony Russo  
**Date:** November 19, 2014  
**Re:** Crossroads 312 FEIS  
**cc:** LADA, PC

---

AKRF, Inc. has completed its review of the revised draft Crossroads 312 FEIS as submitted between November 12 and November 14, 2014. The revisions to the FEIS were in response to comments from the Town's consultants, including an AKRF memo dated October 30, 2014.

At this time, AKRF, Inc. recommends that the Town Board accept the FEIS as complete, subject to the attached revisions and the inclusion of a the Synchro 8 files (on CD) and revised traffic tables in the appendix of the FEIS.

### **SUMMARY OF NEXT STEPS (*RE-CAP FROM AKRF'S 11/5/14 MEMORANDUM*)**

#### ***NOTICE OF COMPLETION OF FEIS***

At the November 20, 2014 Town Board meeting, the Town Board may vote to accept the FEIS and issue a Notice of Completion.

#### ***FEIS DISTRIBUTION***

The adopted FEIS and Notice of Completion are required to be posted on-line. Hard copies will be made available at Town Hall and the library. Copies (which may be on CD) are also required to be circulated to the Involved and Interested Agencies.

#### ***FINDINGS***

The findings can be finalized no sooner than 10 days and no more than 30 days following the filing of the Notice of Completion of the Final EIS. As such, the 10 day clock starts once the Applicant's consultants have printed and distributed the FEIS and Notice of Completion, and both documents are on-line. AKRF will work with the Applicant and the Town Board to prepare the Findings Statement. A public hearing is not required on the Findings Statement.

### *ZONING AMENDMENT*

Following the issuance of a SEQRA Findings Statement by the Town Board, the Town Board would then have to consider adoption of the Zoning Amendment.

The following is a summary of the changes proposed to the Zoning Amendment since the DEIS (copies of the DEIS and FEIS Local Laws attached):

1. Section 138-41 has been amended to include "...other uses proposed as part of the same overall master plan as the Large Retail Establishment, shall be submitted to the Southeast Town Board." This additional language clarifies that the site plan and special permit review for a Large Retail Establishment and any accessory/supplemental uses on the same site (e.g. hotel) would be subject to approval by the Town Board instead of the Planning Board.
2. Section 138-63.4.C is proposed to be amended to clarify that the design guidelines would be reviewed by the Town Board instead of the Planning Board.
3. The applicant's language proposed for Section 138-63.F will be revised to replace 10% with hard numbers (amended text to be provided by the applicant).
4. The commercial zoning schedule is proposed to be amended as follows:
  - a. Add "Hotel/motel/conference facility" as a special permit use in the HC-1 Zoning District.
  - b. Clarify in the "NOTES" section that the "except as otherwise set forth in this chapter [i.e. Large Retail Establishments]" site plan approval would be by the Planning Board.
  - c. Add a new note U that would permit a hotel, motel, or conference facility to be a maximum of 4 stories or 50 feet in height.
5. Add a new 138-41.1 "Approvals for Large Retail Establishments" which establishes that the Town Board would be responsible for all discretionary permits and approvals for a Large Retail Establishment. The Zoning Petition contained in the DEIS left the Wetland Permit approval authority with the Planning Board.

While some of the above items are substantive, they were discussed at the public hearing on 10/24/13, and were generally made in response to comments on the DEIS. As such, holding a public hearing on the proposed changes would be at the Town Board's discretion. If the Town Board decides to not hold another public hearing on the Zoning Amendment, then the Findings Statement and Zoning Amendment could be voted on the same night.

### *SITE PLAN AND SPECIAL PERMIT REVIEW*

As discussed above, the proposed Zoning Amendment includes a provision to give the Town Board the responsibility for Site Plan approval. If that Zoning Amendment is adopted, then the Town Board could consider the Special Permit and Site Plan approvals. A referral to the Planning Board (for a recommendation on the Special Permit) and Architectural Review Board (for a recommendation on the architecture) would be required at that time. The Town Board would not vote on the Special Permit and Site Plan applications until the other Town boards have had the opportunity to review the application and report back to the Town Board. The Town Board would be responsible for conducting a public hearing on the Special Permit and Site Plan applications. None of the other boards would conduct public hearings on the site plan or special permit.

# EXECUTIVE SUMMARY

## A. Introduction

This is a Final Environmental Impact Statement (FEIS) prepared for a mixed use commercial development known as Crossroads 312 located on NYS Route 312 in the Town of Southeast, Putnam County New York.

The Crossroads 312 project is a Zone Change, Site Plan, Special Permit and Wetland proposal made to the Town Board of the Town of Southeast. The applicant, Crossroads 312, LLC and JPH Development Corp. seeks a zone change from RC to HC-1, Site Plan, Special Permit and Wetland Permit approvals to construct a mixed use commercial proposal on a 51.88± acre site adjacent to Interchange 19 at the I-84/NYS Route 312 intersection, see Map #1 Regional Location Map and Map #2 Highway Location Map. A Zone Change Petition, see Appendix A in the DEIS, together with Site Plans and an application for Special Permit and Site Development Plan approvals have been filed with the Town Board, see Appendix B in the DEIS, The Existing Zoning is shown on Map #3 and Proposed new zone limits are shown on Map #4. The Proposed Local Law is included in Volume Two, Tab 1.

The Town Board of the Town of Southeast declared itself Lead Agency ~~for~~ <sup>under</sup> SEQRA ~~review~~ on September 24, 2009, The Town Board determined the project to be a Type I action and issued a positive declaration on September 24, 2009. A Scoping Session was held on October 8, 2009. The Draft Environmental Impact Statement (DEIS) was determined to be complete on August 22, 2013. The DEIS was circulated on September 20, 2013 and posted on the project website on September 24, 2013. The Public Hearing was noticed for and held on October 24, 2013. The Public Comment Period was held open until November 13, 2013.

Comments were received at the Public Hearing as well as in written form during the comment period. Copies of the Public Hearing transcript and written correspondence are included in Volume 2. Each document has been assigned an abbreviation and this abbreviation appears next to each of the individual comments in each of the chapters of the FEIS so that anyone who might wish to track specific responses can cross reference them to the original question. There are many comments which were identified by multiple authors which are identified together. Comments which are used directly as written are highlighted with a bracket within the comment letter. In some cases due to the fact that the comment was already identified and used or where a comment has been paraphrased, only the comment number has been noted. A matrix of all the letters received and where those remarks are addressed in the FEIS is also included at the beginning of tab 2 of Volume 2. The following list is presented in the order used in the FEIS to determine the FEIS comment numbering system.

FEIS Comments-

<u><b>Author</b></u>	<u><b>Notation/Abbreviation Used in FEIS</b></u>
NYC DEP	NYCDEP (11/12/2013)
Putnam County Department of Health	PCDOH (10/18/2013)
AKRF, Inc Environmental & Planning Consultants	AKRF (11/12/2013)
Stephen W. Coleman	Coleman (11/11/2013)
Nathan L. Jacobson & Associates	NLIA (11/12/2013)
NYSDEC	NYSDEC (11/22/2014)
Bill Heath	Bill Heath (11/12/2013)
Kim Cercena	Kim Cercena (11/12/2014)
James M. Collins	James Collins (11/12/2013)
Richard Feuerman	Richard Feuerman (11/12/2013)
John H. Ballantine	John Ballantine (11/12/2013)
Beth Briggs	Beth Briggs ( 11/12/2013)
Robert Zubrycki	Robert Zubrycki (11/12/2013)
The Riverkeeper	Riverkeeper (11/12/2013)
Attorney James Bryan Bacon	J B Bacon (11/12/2013)
Ann Fanizzi	Ann Fanizzi (11-12-2013)
Catherine P. Croft	Catherine P. Croft (11/11/2013)
Lisa Eidlin McCarthy	Lisa Eidlin McCarthy (11-11-2013)
Michael Principe	Michael Principe ( 11/11/2013)
Deb Keiser	Deb Keiser (11/11/2013)
Lynn Edelson	Lynn Edelson (11/11/2013)
Jennifer Nordquist	Jennifer Nordquist (11/11/2013)
Stephen Shea	Stephen Shea ( 11/11/2013)
Steven Mattson	Steven Mattson (11/10/2013)
Cathie Pavek-Sloat	Cathie Pavek-Sloat (11/10/2013)
Donald McAlpin	Donald McAlpin (11/10/2013)
John F. Riley	John F. Riley (11/10/2013)
Paul DeLeo	Paul De Leo (11/09/2013)
Alice V. Brandon	Alice V. Brandon ( 11/9/2013)
James W. Bryon Jr.	James W. Bryon, Jr. (11/8/2013)
Jim Byron	Jim Bryon (11/8/2013)
Liz & Chris Lyons	Liz & Chris Lyons ( 11/08/2013)
Concerned Residents of Southeast	Concerned Residents of Southeast ( 11/09/2013)
Samantha Jacobs	Samantha Jacobs (11/08/2013)
Steven & Christine Mattson	Steven & Christine Mattson (11/07/2013)
Alexander J. Abels	Alexander J. Abels (11/07/2013)
Stephen Abels	Stephen Abels (11/07/2013)
S. Peter Pastore	S. Peter Pastore ( 11/7/2013)
Mr&Mrs Kenneth Mitchell	Mr. & Mrs. K. Mitchell (11/07/2013)

## **Author**

Sara Amuso  
Janet A. Keyes  
Carol Davis  
Louis & Jocelyn Sarro  
Peter C. Alexanderson  
John Lord  
Alice V. Brandon, Sr.  
Clare & Holger de Buhr  
Sheri Hogan  
Kathleen Abels  
Michael & Sally Terlizzi  
Dr. Bernadette Brandon  
PutnamCountyEconomic Dev  
Robert Lund  
Christine&William Capuano  
John and Karen Schlick  
Nancy Teague  
Lyncia Starnott  
Cherie Ingraham  
Bradley D. Schwartz  
Public Hearing Transcript

## **Notation/Abbreviation Used in FEIS**

Sara Amuso (11/07/2013)  
Janet A. Keyes ( 11/07/2013)  
Carol Davis ( 11/07/2013)  
Louis & Jocelyn Sarro ( 11/06/2013)  
Peter C. Alexanderson (11/05/2013)  
John Lord (11/04/2013)  
Alice V. Brandon, Sr. (11/03/2013)  
Clare & Holger de Buhr (11/03/2013)  
Sheri Hogan (11/02/2013)  
Kathleen Abels (11/01/2013)  
Michael & Sally Terlizzi (10/31/2013)  
Dr. Bernadette Brandon (10/25/2013)  
Meghan Taylor ( 10/24/2013)  
Robert Lund (10/24/2013)  
Christine&William Capuano (10/24/2013)  
John and Karen Schlick (09/17/2013)  
Nancy Teague (9/16/2013)  
Lyncia Starnott (no date)  
Cherie Ingraham (11/11/2013)  
Bradley D. Schwartz (no date)  
Public Hearing (11/07/2013)

Comments within these documents have been identified and are noted on the right hand side of the document with a letter and number combination to indicate in which chapter the comments are addressed.

The chapters included in this FEIS are:

<b>Title</b>	<b>Comment Notation</b>
Executive Summary	
Project Description	
General	HK-1, etc
Architecture	Arch-1, etc
Land Use and Zoning	LU-1, etc
Community Services	CS-1, etc
Economic Conditions	EC-1, etc
Visual Impacts	Visual-1, etc.
Natural Resources	NR-1, etc
Geology	Geo-1, etc
Wetlands and Water Resources	WRW-1, etc
Water Supply	WS-1, etc
Sanitary Sewer	San-1, etc
Stormwater Management	Storm-1, etc
Erosion Control	Erosion-1, etc
Traffic	Traffic-1, etc
Air Quality	Air-1, etc
Noise	Noise-1, etc
Alternatives	ALT-1, etc
Mitigation	Mit-1, etc
Growth Inducing Aspects	Growth-1, etc
Energy	Energy-1, etc

## **B. Description of the Proposed Action**

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 is composed of five tax lots totaling 51.88± acres. All lots are now zoned RC, Rural Commercial. The sponsor proposes to re-zone the land from RC to HC-1, see Existing Zoning Map #3 and Proposed Zoning Map #4, to allow the construction of a mixed use retail and hotel complex.

The proposed project is a mixed use retail complex consisting of 143,000+/- sf of retail and restaurant use and a 100 room hotel in a total of five (5) buildings as shown on Map #5. The retail buildings will be one story high as shown on Illustrations 1 through 7. The hotel will include 4 stories of rooms, a lobby area and limited below building parking, as shown on Illustrations 8 and 9. The buildings have been designed to meet the Town of Southeast Architectural standards as defined in Section 138-63.4 of the Zoning Regulations. 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 and discussed in detail in Chapter 15 of the FEIS. Roadway improvements, including new and modified traffic signals, are proposed to be privately funded. Since many of the proposed improvements will benefit the public at large, should roadway improvement grants become available, the sponsor may file for such funding.

The current proposed project that is the subject of this FEIS varies in some details from the plan proposed in the DEIS. Changes evolved while responding to comments, made during the Public Comment process, on the DEIS. The proposed project has evolved to incorporate the 100 room hotel as part of the primary proposal. In the DEIS, a hotel was previously considered to be part of one of the alternatives presented in the DEIS. Modifications to the stormwater management plan evolved while preparing responses to NYCDEP, NYSDEC, the Town consultants and other comments during the Public Comment period.

The FEIS proposal includes retail buildings totaling 143,000+/- sf of space (reduction of 43,000+/- sf or nearly 25% below the DEIS proposal), reconfigured into four (4) buildings. It is expected that a minor portion of the retail space (about 3,750+/- sf) could be used for a restaurant which could be located anywhere within the buildings. A local bank branch could also be located in one of the buildings. The fifth building is a freestanding 100 room hotel which would have a breakfast room but no lunch or dinner service, see illustrative site plan, Map #5.

The site is within the commercial area surrounding intersection 19 on I-84, see annotated neighborhood context Map #6. Approximately 35+/- acres of the 52+/- acres site will be disturbed to create a 17 acre building pad for the buildings and parking which includes approximately 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. The graded platform will create slopes at the perimeter of the development pad that will be designed to meet

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' 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.

*A hotel had been included in the alternatives analysis.*

*would*

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

berm, to begin to recreate a forest appearance as shown on Map #17 , Planting Plan Enlargement. Along the I-84 frontage, a 50' undisturbed zone will remain retaining the existing trees. The building will be cut into the site with the building floor elevations set no higher than elevation 606 and a roof height no higher than elevation 631. The existing grades in the southwest ridgeline area will remain and the proposed development will be set below the hilltop as shown on Maps #7 & 12. Along the north and east sides of the site, existing vegetation will remain throughout most of the wetland buffer areas adjacent to the existing railroad line. The 2 on 1 fill slopes will be planted with a mixture of vegetation which will cover the slope and grow into a visual screen, per the regulations. The top of the slope will be planted with evergreen trees 15' to 20' +/- in height.

Water service for the both potable water and fire protection will be provided via new lines extended from Terravest Corporate Park which is located just north and west of the site. Existing wells in Terravest Corporate Park have the capacity required to service the proposal. Terravest Corporate Park has a 500,000 +/- gallon fire protection tank which will be refurbished and used to serve domestic and fire protection needs for the project.

The existing tertiary wastewater treatment plant (Terravaest WWTP) at Terravest Phase 3 will be used to collect and treat the sanitary wastes from the project. This WWTP has the capacity to handle the proposed project. The project is being designed to allow for use of recycled water known as a greywater system.

Storm water runoff will be managed through an extensive system of facilities built to meet the requirements of NYCDEP(DEP) and NYSDEC (DEC). Stormwater runoff will be collected in a piped system and delivered to a series of underground infiltration chambers established to infiltrate the one year storm as shown on Maps #7, 9 & 10. Larger storms will be treated and controlled through bioretention basins and detention basins. The project will include the required green infrastructure elements of the current NYS Stormwater Manual as well as additional measures to safely return the runoff to the natural condition. The project will also include porous paving as is required by the Zoning regulations. The project will meet the DEP and DEC requirements for stormwater quantity control and quality improvement.

*Space*

## **C. Changes to the Proposed Project since the DEIS**

In response to comments received during the DEIS review process, the following changes have been made to the propose Site Plans:

1. The hotel, originally proposed as an alternative in the DEIS, has been incorporated into the site plan.
2. The incorporation of the hotel has removed the freestanding restaurant from the plan.
3. The preliminary grading shown in the DEIS has been adjusted to reduce the overall cut and fill and allow the project to stay in earthwork balance.
4. A stormwater infiltration system has been added to meet DEP guidelines for stormwater quality and to address concerns regarding infiltration and its impacts on the adjacent wetlands.
5. A reduction of 43,000+/- sf of retail space to accommodate a hotel.
6. On site parking is reduced from 800+ to 721+/-.
7. Stormwater discharge points have been identified.

The following is a summary chart of the changes to the Site Plan since the DEIS-

<b>Project Component</b>	<b>DEIS Plan</b>	<b>FEIS Plan</b>
<b>Building Program</b>		
<b>Retail Square Footage</b>	176,000 sf	143,000 sf
<b>Hotel</b>	No- (200 Room Hotel provided as Alternate)	Yes - 100 room
<b>Restaurant</b>	7,000 sf	3,750 sf
<b>Bank</b>	3,000 sf	Not separate/ may be included in retail space
<b>Maximum Height</b>	Retail 28'-35'/ Hotel- 4 stories/45'	Retail - 38'/ Hotel - 4 stories/45'
<b>Anticipated Water Usage</b>	7,042 gpd	22,295 gpd
<b>Site Plan</b>		
<b>Parking</b>	800 spaces	721 spaces
<b>Impervious Surface</b>	16 acres	14 acres
<b>Site Disturbance</b>	31+/- acres plus stormwater discharge locations ( 3-5 acres)	35+/- acres (includes stormwater discharges)
<b>Stormwater Infiltration Provided</b>	No	Yes
<b>Access</b>	2 points	2 points
<b>Road Improvements</b>	Yes	Yes - no change
<b>Wetland Disturbance</b>	None	None
<b>Town Buffer Disturbance</b>	1.0 ( minimum depending on discharge locations)	0.61

Wetland

Unbold lines

## **D. Approvals Required:**

Zone Change:	Town Board Town of Southeast
Site Plan:	Town Board Town of Southeast*
Special Permit:	Town Board Town of Southeast*
NYSDOT:	Roadway Improvements
NYSDEC:	Stormwater Management, Approval for water withdrawal for water supply
NYCDEP:	Stormwater Management, Approval of collection system and pump station associated with flow to existing Terravest Wastewater Treatment Plant
Putnam County Health Dept:	Extension of Sewage Lines
Putnam County Health Dept:	Extension of:
NY State Dept of Health:	Water lines and Provision of Water Treatment
	Water Taking Permit
SEQRA:	Town Board Town of Southeast
Town Wetland Permit:	Town Board Town of Southeast*
Architectural Review:	Town Board Town of Southeast*
Putnam County Planning Review	Gen. Municipal Law (239 l&m)

\*Petition filed by the applicant requests the Town Board grant Site Plan and other approvals for all "Large Retail" projects, subject to 138-63.4.

## **E. Involved or Interested Agencies**

Town Board Town of Southeast  
Town of Southeast Planning Board  
Town of Southeast Architectural Review Board  
Town of Southeast Highway Department  
Town of Patterson  
Putnam County Planning Department  
Putnam County Highway Department  
Putnam County Health Department  
New York City Department of Environmental Protection (NYCDEP)  
New York State Department of Environmental Conservation (NYSDEC)  
New York State Department of Transportation (NYSDOT)  
New York State Department of Health (NYSDOH)

## F. Summary of Potential Significant Impacts

- Land Use and Zoning

Development under the proposed HC-1 Zoning or the existing RC Zoning would require relief from the ridgeline area. The FEIS proposal requests a zone change to HC-1 to allow retail development. Given the size of the retail development, the criteria for Large Retail Establishment (Section 138-63.4) will apply.

The HC-1 zone will need to be modified by the Town Board to allow hotels of 4 stories (with a 50' height limit) within the HC-1 zone. Parking below the building shall not be considered to be part of the building FAR calculation and the building height calculation shall not include the lower parking area.

As part of the proposed project, the regulations regarding Large Retail Establishments will be modified to indicate that all such projects which fall under this regulation (retail projects greater than 50,000 +/- sf) will be now reviewed and approved by the Town Board including Site Plan, Special Permit and Wetland Permits as noted in the proposed local law included in Volume 2, tab 1.

The proposed zone change would allow the Town Board to grant waivers for certain disturbances of the ridgeline for the project (138-12.1) and modifications to the steep slope and retaining wall standards (138-15.1 (A) and (B) respectively).

- Community Services

The development will increase commercial development in the town, potentially requiring service calls for fire, police & emergency medical services.

- Economic Conditions

The site, as presently situated, provides total taxes in the amount of \$27,423. These taxes are divided among the Town, County, Fire District, and School System. According to the DEIS, three people are employed in a wood processing operation on the property presently.

The proposal will remove the existing wood processing business. People will be employed to construct the facility and eventually staff the business establishments. Property and sales taxes will be generated.

- Visual Resources

The proposal would disturb 35 acres of land including a portion of a ridge line area. Earthwork disturbance will change the grades on the site. Buildings will be constructed including a 4 story hotel. Lighting will be installed for evening activity.

- Cultural Resources

The DEIS did not identify any impacts and no comments were raised regarding this topic.

- Natural Resources

Located between the existing rail tracks and the heavily traveled Route 312 and I-84, the site is a sliver of the habitat that existed before development of this area. The existing on-site wood operation requires large noisy equipment and has expanded significantly over time further reducing its value as habitat on-site. The project will require the removal of 32.7 acres of existing vegetation which will be replaced with a shopping center and hotel, associated parking with stormwater facilities. Plantings will be installed which will provide shade to the parking and screen views into the project. Additional edge, habitat and slope planting will be installed to stabilize the remaining forest edge plants after clearing. However, the removal of the existing vegetation is an unavoidable impact which can not be mitigated on the site.

- Geology

Earth and rock cuts will be created. Blasting will be required as noted in the DEIS. Fills will be placed composed of shotrock and subsoils.

- Water Resources and Wetlands

Water Service will be extended from an existing system.

No direct wetland or watercourse disturbance is proposed. There will be limited disturbance of some variable town wetland buffers to establish drainage systems from various stormwater elements. Approximately 0.61 +/- acres of town wetland buffer area will be disturbed. There will be no direct wetland disturbance or disturbance of the NYSDEC 100' wetland buffer, see Maps # 13 & 14 for location of adjacent NYSDEC wetland area.

- Sanitary Sewage and Storm Water Management

Sanitary Sewage will be directed into an existing waste water treatment plant as noted in the DEIS. Stormwater will be generated from the property both during construction and after construction is concluded.

- Traffic and Transportation

There will be increased traffic due to the project.

## G. Summary of Mitigation Measures

- Land Use & Zoning

The proposal to modify zoning to place decision making regarding all large retail establishments under the review and approval of the Town Board will potentially simplify the approval process which now is divided among two boards. The proposal 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.

- Community Services

The existing service providers police, fire, and emergency medical services, have indicated the property can be protected with present levels of staff and equipment.

- Economic Conditions

The project is being proposed to provide services primarily to the Market Area as shown on Map #11. The project will generate significantly more jobs, both during construction and during operation than does the existing use of the property.

The proposed development will generate total property tax at a rate 65 times the present use of the parcel, \$27,423 today versus (\$1,743,250) after development.

Today no sales taxes are generated from the site. When constructed, it is estimated, Putnam County will gain approximately \$3,000,000 in sales tax annually.

Over 330 +/- permanent jobs will be provided. These jobs will improve employment rates in the Market Area.

- Visual Resources

The buildings will be designed carefully with elements included to break up the massing and create a human scale as per Section 138-63.4 of the Zoning Regulations. Existing trees will be maintained where possible, and significant new planting of trees and shrubs added to soften and filter views. Some views of the site will be possible from isolated distant spots on the elevated hillside in the North Brewster Road area. However, extensive planting of trees on the site will screen most of these distant views, see Illustration #15.1 and Map #24.

The studies proposed along Route 312 suggests the 75' Environmental Conservation Buffer will significantly screen the proposal from view as shown on Maps #16 & 17. The hotel will be the most prominent building on the property, see Illustration #16. The retail building roof lines will remain lower than the highest elevation of the ridgeline to remain. No development will be visible from Route I-84 or from the East bound

interchange of I-84 and Route 312. The preservation of existing trees on the site, resulting from a redesign of the proposed stormwater system will screen the development from the Zimmer Road intersection area of Route 312, see Illustration #17. Cross sections shown on Maps #18 and Illustrations #10 & 11 confirm the development will be screened from I-84 and Route 312.

Views from the Brewster Hill and Tonetta Lake area have been much discussed. Members of the community remain unhappy about existing views of the retail project called "The Highlands." Cross-sections were evaluated of both the FEIS proposal and the Highlands. FEIS proposal will sit below the level of the ridgeline and slightly lower in elevation than the Highlands. The Highlands sits atop a ridge and has no background screen. The FEIS proposal depicts re-vegetation of disturbed slopes and introduction of screen plantings to mitigate disturbance, see Map #16.

Evening views were also created to assess the impact of night time lighting. Through the use of LED lighting, the introduction screen planting and topographic position of the development, the night time impact of project lighting has been minimized, see Illustration #15.2.

- **Geology**

Earthwork will be balanced. There will be no mass export or import of earth products. A phased erosion and sedimentation proposal has been offered which indicates how the site can be developed in five acre sections minimizing exposed soils. Erosion and sedimentation will be contained within the work area. The site will be stabilized during construction as work proceeds. Upon completion of the building construction, at least half of the disturbed area will have been re-seeded and re-vegetated.

- **Water Resources**

No ground water will be taken from the property. Existing wells and an existing water distributing system will be utilized, which has capacity for the project.

- **Wetland Mitigation**

Limited disturbance of town wetland buffers is proposed mainly for the installation of linear storm water discharge systems called level spreaders. No wetland disturbance is proposed. The storm water discharges resulting from the project will be spread throughout the length of the project to introduce non-erosive flow in a manner replicating natural conditions. The one year storm will be infiltrated over an 1,800 LF length, introducing storm water to the ground. With the introduction of storm water to the ground, the preservation of the majority of the wetlands wooded buffer and the replanting of the disturbed areas including the introduction of habitat plantings, wetland impacts will be mitigated, see Map #15.

- Sanitary Sewer

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

- Stormwater Management

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

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

- Traffic and Transportation

As a result of comments from the Town and public, the proposed project has changed. As usch 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 proposed development program presented in the FEIS is anticipated to generate 170, 588 and 859 primary vehicle trip ends during the three peak hours, respectively.

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

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*
  - Westbound left-turn lane group total delay between 55.0 and 80.0 seconds/vehicle during the weekday afternoon peak hour;
  - Southbound left-turn lane group total delay between 55.0 and 80.0 seconds/vehicle during the weekday afternoon peak hour; and,
  - Eastbound through lane group 95<sup>th</sup> percentile queue length will exceed available storage during the weekday afternoon peak hour.
2. *U.S. Route 6 at Route 312/Access Road*
  - Eastbound left-turn lane group 95<sup>th</sup> percentile queue length will exceed available storage during all three Study peak hours; and,
  - Southbound left-through lane group 95<sup>th</sup> 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*
  - Eastbound left, through and right-turn movements average control delay exceed 50.0 seconds/vehicle during the all three Study peak hours;
  - Westbound left, through and right-turn movement average control delay exceed 50.0 seconds/vehicle during the Saturday midday peak hour;
  - Eastbound left, through and right-turn movements 95<sup>th</sup> percentile queue length will exceed available storage during all three Study peak hours; and,
  - Westbound left, through and right-turn movements, 95<sup>th</sup> 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, Frederick P. Clark Associates, Inc. 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*
  - Eastbound approach: Add a 225-foot right-turn pocket; and,
  - Optimize traffic signal cycle length, splits & offsets.
  
2. *Route 312 at Farm to Market Road/Brewster Hill Road*
  - Fine Tune Traffic Signal Timing Plan.
  
3. *Route 312 at North Brewster Road*
  - Westbound approach: Add 100-foot westbound left-turn pocket; and,
  - Install actuated traffic signal and interconnect.
  
4. *N.Y.S. Route 312 at International Boulevard/Proposed North Access Driveway*
  - Eastbound approach: Restripe for a shared through/right-turn lane;
  - Westbound approach: Proposed north access driveway;
  - Southbound approach: Provide 150-foot left-turn pocket;
  - Northbound approach: Restripe for 200-foot left-turn pocket;
  - Northbound approach: Restripe for a shared through/right-turn lane;

and,

  - 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*
  - Eastbound approach: Restripe for one through lane and provide a 300-foot right-turn pocket;
  - Westbound approach: Proposed south access driveway;
  - Northbound approach: Provide a 350-foot right-turn channelized pocket with YIELD sign;
  - Southbound approach: Restripe for a 150-foot left-turn pocket;
  - Southbound receiving lane: Provide a 425-foot right-turn pocket; and,
  - Upgrade traffic signal hardware and revise traffic signal timing

plans.

6. *Route 312 at Independent Way/ Interstate-84 Eastbound Ramps*
  - Eastbound approach: Restripe for one left-turn lane, one through lane and one right-turn lane;
  - Westbound approach: Restripe to two left-turn lanes, one through lane and one right-turn lane; and,
  - Upgrade traffic sign hardware and revise traffic signal timing plan.
7. *Route 312 at Office Access Drive*
  - Westbound approach: Provide a 350-foot left-turn pocket.
8. *Route 312 at Route 6*
  - Eastbound receiving lane: Add a 625-foot receiving lane;
  - Westbound approach: Lengthen pocket to 625 feet;
  - Southbound approach: Restripe to double left-turn; and,
  - 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.

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

(SIMTRAFFIC) analyses conducted evaluate the project based on two very important performance measures:

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

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

1. *Route 312 at Interstate 84 Eastbound Interchange 19 On/Off Ramps and Independent Way*

- Northbound through lane total delay between 55.0 and 80.0 seconds/vehicle during the Saturday midday peak hour only;
- 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 95<sup>th</sup> 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.

## **H. Alternatives Analyzed**

Numerous alternatives were investigated in the DEIS and are still applicable for the FEIS.

1. The “No Build” alternative would leave in place all existing conditions.
2. Existing Zoning: The RC Zone could generate by Special Permit a hotel use of 120 rooms and a three building 173,000 SF± complex of general office and required parking. A 7,000 SF± restaurant and 3,000 SF± bank could be constructed as part of the complex for a total of 270,000 SF± of space, including the hotel. The alternative demonstrates disturbance of the under the present zoning would not differ from the impacts of the proposed FEIS plan. The applicant believes the market for 173,000 SF± of office use does not exist and will likely never exist. As such, the applicant believes that such a proposal would not be economically viable because the office buildings could not be leased. This alternative has not changed since the DEIS submission.
3. A version of Alternative 3, for the DEIS is now the project primary proposal.

**Comment HK-26**

*Who is going to hold the developer responsible if he doesn't install these lights and plant the buffer trees? Will the penalty be severe enough to force him to comply? (Public Hearing Comments (11/07/2013))*

Response:

The town requires that the planting be counted and confirmed and all aspects of the site plan are consistent with the Approved plans as part of the certificate of Occupancy and Bond Release process. Over time, this process has proved to be quite effective.

**Comment HK-27**

*Given the trend for e-commerce, why does the developer think they can get tenants and that the town can support more retail? (Public Hearing Comments (11/07/2013))*

Response:

Although e-commerce has changed the way some consumers receive goods, conventional bricks and mortar stores are still operating and selling goods to the public. In addition, many goods are best purchased locally. The applicant's market research indicates that the project will easily find tenants once approved and will be successful.

**Comment HK-28**

*Also, in the introduction tonight with one of the consultants, he mentioned it was going to be high end development, and I'm curious as to the definition of high end? (Public Comments (11/07/2013))*

Response:

The consultant was referring to the building style and materials as shown on Illustrations 1 through 9.

Space

Approximately would Town would

The traffic signals will be maintained by NYSDOT. The State of New York will receive about one half of the sales tax with the balance going to Putnam County and a small amount to the MTA. The town will have no extra expenses for road or traffic signal maintenance. The town will receive \$153,434+/- in property taxes, \$1,424,469+/- in school taxes, and \$27,332+/- in Fire District taxes. The County will receive approximately \$151,032+/- in property taxes and about \$3,000,000 in sales tax.

It is estimated that the Project will generate \$1,750,200 in total property taxes, including

**Comment CS-5**

*Would the developer be willing to set aside money for a period of years to purchase additional fire equipment or safety personnel? (Public Hearing (11/07/2013))*

Response:

The developer is not offering to set funds aside to fund the fire department. The Fire Department has indicated they have sufficient equipment to handle the project; they will also receive approximately \$27,332+/- through the fire district property tax from this development on a yearly basis.

**Comment CS-6**

*How many police officers serve the Town of Southeast? Do they have a regular route on Route 312? How will this meet the NYSDEC requirements to allow the excess? (Public Hearing (11/07/2013))*

Response:

The State Police and Putnam County Sheriff Office have six to ten officers on duty in the area daily and they have indicated their ability to meet the needs of this site without additional staff as noted in Appendix J of the DEIS.

**Comment CS-7**

*What is proposed to minimize the potential for the hotel to be used for prostitution?  
(Public Hearing (11/07/2013))*

**Response**

The hotel management will be responsible for addressing issues of customer behavior.

**Comment CS-8**

*What is the current response time between the North Brewster Fire Houses and the  
I-84 ramps/Highlands projects?*

**Response:**

The fire department has indicated the existing North Brewster Road facility to be the key location for service to the entire corporate/retail area around Exit 19 on I-84. Travel time on Route 312 from the fire station to Exit 19 is approximately three minutes.

Response:

Acknowledged.

**Comment EC-19**

18. *Page 4-9: the sales figure should be \$242,352,000 (816,000 SF x \$297 per SF)*  
*(AKRF (11/12/2013))*

Response:

Acknowledged. Please see corrected figures at the beginning of the chapter.

**Comment EC-20**

19. *Page 4-10: The text states that “the proposed Crossroads project and all already approved retail could expand an additional 200,000 SF before the market gaps are filled. However, after potential sales from the approved retail and proposed Crossroads project is account for, the retail gap couold be \$41,337,475 (based on the figures reported for potential sales and existing retail gap on page 4-9. If one divides this new retail gap figure by \$297 (the average dollar value of sales at larger stores in shopping stores as per page 4-9), the result is 139,000 SF of additional retail space that could be built, compared with \$2,000,000 SF noted on page 4-10. Therefore, this ±200,000 figure appears to be overestimated.*  
*(AKRF (11/12/2013))*

Response:

630,000 ± SF of approved, unbuilt shopping center space exists in the vicinity of the site based on the project defined market area. The present proposal of 143,000 +/- SF would bring the total potential space to 773,000+/- SF. If this total retail potential size is multiplied by \$297 (average sales in shopping centers) the resulting market absorption of excess available funds would be \$229,581,198. This means that \$54,109,277 would still be available due to the market gap. Almost 200,000+/- SF of additional space could be constructed beyond the Crossroads project as well as all other approved projects.

**Comment EC-21**

20. **Page 4-11:** *The text states that the “Latest employment numbers, indicate an unemployment rate in the market area of about 4% of the potential labor force over 16 years of age.” Please source the “latest employment numbers.” (AKRF 11/12/2013)*

Response:

The 4% figure represented 2008 census data. US Census data figures for 2010 indicate a 6.9% unemployment rate for Putnam County, 7.9% in Dutchess County, and 7.2% in Westchester County.

**Comment EC-22**

21. **Page 4-11:** *The text states that “there are approximately 3,900 unemployed persons within the market area.” It appears that this number was calculated by applying 4% unemployment rate (although as noted above it is not clear where this percentage comes from and it appears that the unemployment rate is actually 6.4 percent) to the total 2010 population figure (97,700). More accurately, the unemployment rate should be applied to the 2010 potential labor force over 16 years of age. (AKRF 11/12/2013)*

Response:

The labor force in the market area was developed from census tract data. 2010 Census data would suggest the average unemployment in the market area to be about 7% since the market area includes part of three counties, or about 6,800 people of a total workforce of 97,700 above the age of 16.

Check

**Comment EC-23**

22. **Page 4-11:** *The text states “In the year 2000, the unemployment rate was 2.2% or 1,400 people.” Please provide the source for the 2.2 percent unemployment rate and explain how that gets to 1,400 people. (AKRF (11/12/2013)*

Response:

The two percent figure for unemployment in the year 2000 was taken from US Census data. The 1400 figure should have been reported as 1,900, a typographical error.

#### **Comment EC-24**

- 23. Page 4-11:** *There is no source data to support the assertion that 30 minutes is the present average commute of area residents. Please provide a source such as the U.S. Census Bureau. (AKRF (11/12/2013))*

Response:

The US Census figures for 2010 indicate mean travel time to work for all of New York State was 31.5 minutes and 25.4 minutes for Putnam County. The commuter time in Putnam County increased in 2011 to 33 minutes.

#### **Comment EC-25**

*What increases in Town Services (road, maintenance, police, fire, etc) are expected due to the proposed project? (Richard Feuerman (11/12/2013))*

Response:

No specific increases in road maintenance is expected. The fire and police departments have issued letters indicating present staff can accommodate the proposal development. Please see the Community Services chapter of this FEIS and the DEIS for additional discussion.

#### **Comment EC-26**

*What is the anticipated tax revenue from the project? How do the proposed total revenues relate to the overall town and school budget? How will the project affect residential taxes? (Deb Keiser 11/11/2013) (Lyncia Starbult ? (no date) (Beth Briggs (11/12/2013) (Public Hearing (11/07/2013))*

Response:

Based on the preliminary assessed value provided by the Town Tax Assessor, over \$1,700,000 is expected in total property tax generation and over \$6,000,000 in total sales

tax revenue. For most homeowners, school taxes account for a large portion of the annual residential tax bill ( approx. 81%). The Brewster School District will receive approximately \$1.4 million dollars annually from the proposed project.

**Comment EC-27**

*What kind of jobs are expected at the project? How many are full time? How do part-time jobs benefit the local economy? Will these be the types of jobs that offer benefits? (Robert Lund (10/24/2013), (Beth Briggs (11/12/2013), (Public Hearing (11/07/2013)*

**Response:**

Construction jobs will be provided initially, a total of 250 full time or equivalent jobs for about two years. While in operation, it is estimated that 391± full time equivalent jobs will be created. Positions will vary from managers to maintenance employees. Levels of benefits are not known. There will likely be a mix of part time and full time position created given the longer day in a retail use. Part time jobs benefit local school children and individuals who desire part term work due to other family needs.

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

**Comment EC-28**

*What is the current retail vacancy rate in town? Why are these vacant?  
(Jennifer Nordquist (11/11/2013), C&W Capuano (10/24/2013)*

**Response:**

A review of retail vacancy rate by the town tax assessor suggest a 5% vacancy rate. The Urban Land Institute report Dollar and Cents suggests a minimum 4% rate is typical.

time. It is estimated 880 people have full time employment and 420 people have part time employment at The Highlands.

P  
Spale

# VISUAL RESOURCES

## Chapter Seven

### Introduction

The proposed development described in the DEIS has evolved during the **SERA** process in response to comments from the Town and public. The 186,000+/- sf retail/mixed use shopping center identified in the DEIS has changed to include a hotel in response to many public comments. The incorporation of the hotel has the consequence of reducing the retail and restaurant use space and allowed for reconfiguring the buildings on the site. This reconfiguration also results in a site plan that addresses the potential visual impacts in a positive manner thereby reducing many of the impact identified in the DEIS.

In response to questions identified below about the potential impact of the development on views from the Brewster Hill area, additional cross sections were drawn to evaluate the proposal as well as existing views of the adjacent shopping center known as The Highlands. These cross sections are intended to understand the existing views of The Highlands and to determine what the residents from that area will be able to see. (See Visual-6A below).

The location of the buildings and orientation of the site limit the views from Brewster Hill. Views from that area are found to be additionally mitigated with reduction in the size of the cut slope behind the buildings. The revegetation of the cut and fill slopes were revised on the Site Plans in response to questions about views from the south.

The increased area of no disturbance along Route 312 toward Zimmer Road limits views into the site and reduces the impacts on views as seen by motorists on Route 312 as well from the adjacent properties to the east. This additional tree preservation was due to changes in grading and earth work associated with the refined stormwater design.

The trees along the east side and I-84 are preserved and the retail building is designed into the hill to reduce tree removal and views from the southwest. In limited views from that direction, only the roof line will be visible as shown in the sections provided in this FEIS.

The environmental conservation buffer along Route 312 is also studied in this FEIS. Plans showing the proposed berm supplemented by a mixture of plant material are included in the FEIS.

Further, the hotel was placed in the middle of the site away from the fill slope and from Route 312 to minimize potential impacts. Additional sections and illustrations were prepared (see Comment Visual- 3 below) to identify what will be seen and from where. The redesign and placement of the hotel in this location limits the views to the top sections only. This is a significant change from the alternatives shown in the DEIS where the hotel was placed along the westside visible from I-84.

The FEIS plans are designed to minimize the visual impacts identified in the DEIS by preserving additional trees along Route 312, reducing earthwork thus reducing exposed slopes, increase the mitigation planting and provide more detail for the environmental conservation buffer along the site frontage at the project entry onto Route 312.

## Comment Visual-1

### Chapter 1: Project Description

1. *The description of the proposed project should clarify the visibility and appearance of the project from Route 312. The applicant states that the proposed project will maintain a 75 foot "environmental conservation buffer" along Route 312. This buffer should be further described, as it appears that the majority of the buffer will clear cut during the construction of the proposed project and then replanted. Understanding that the details of the site plan will be further developed throughout the process, to the extent that the applicant can, the grading, types of plantings, stormwater features, project signage, etc. that are proposed within the buffer should be described. (AKRF (11/12/2013))*

### Response:

In the short term, during construction, the project will be visible from Route 312. Much of the vegetation along Route 312 will be removed and earthwork operations will be undertaken to create the site development platform and stormwater basins. Per section 138-63.4.C.(1)(a)[1] thru [7], environmental conservation buffer will be established.

The above referenced zoning regulation does not require existing vegetation along a street be preserved; given the slopes on this site, it would be impractical to attempt to preserve existing vegetation beyond what is shown on the plans. No significant habitat has been found to exist within the frontage area of Route 312. Per points [4] and [6] of the buffer design guidelines, a graded berm is proposed. The berm will average 8' feet tall. The 75' deep buffer will be heavily planted with a mixture of native trees, see the Planting and the Plan Enlargement Maps #16 and #17.

The planted berm is proposed to screen the buildings and parking which would be placed closest to Route 312. The parking will be entirely screened and the buildings will be significantly screened, see Map #18 and Illustrations 10 and 11.

Access to the site will be gained, as permitted by 138-63.4.C.(1)(c). The interior of the project will be partially visible at the access points with the hotel the most prominent structure, see Illustration 16.

Proceeding north on Route 312, from the northerly access drive, the Environmental Conservation Buffer will follow the stormwater control basin outline as is permitted by 138-63.4.C.(1)(a)[1]. Views of the site will be very limited, see Illustration 17.

A project monument sign may be placed in the driveway median at the primary entry point. The sign is likely to be located within the buffer area. It has not been determined if a sign will be requested at the most northerly entry, opposite International Boulevard. Pole mounted lights may also fall within the buffer along the entry drives.

# NATURAL RESOURCES

## Chapter Eight

### Introduction:

The project plan has been 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 required. Only 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 project will disturb 32.5 acres of upland forested habitat on a piece of property that is located between roads and active railroad tracks which currently limit 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 can not 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.

### Comment NR-1

#### *Chapter 17 Mitigation*

- 1. The Proposed Project would likely involve disturbance to the wetland buffer for the construction of the stormwater management facilities; as such, the FEIS should include potential mitigation on measurers for this disturbance. (AKRF (11/12/2013))*

### Response:

The proposed project will not disturb any of the DEC-regulated 100-foot wetland adjacent area (buffer). Small 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. As mitigation for these disturbances, runoff from Route 312 a portion of the I-84 entrance and exit ramps, and pavement/roof runoff within a 20 acre drainage basin in Terravest Corporate Park will be collected in stormwater practices on the project site. This represents treatment of existing impervious surfaces for which no treatment is currently provided. The existing offsite runoff is discharged to the project site by pipe and conveyed to the wetland in open channels. High velocity runoff has eroded the channels. Placing the runoff in the stormwater practices will eliminate the erosion and sedimentation, remove pollutants from the runoff and return the wetland 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. Please see Drawing L-10, Composite Planting Plan.

#### **Comment NR-2**

##### Chapter 7: Natural Resources

- *The text and the tables for lists of plants are not consistent and some of the plant species discussed is not reflected in the table. A full revision of the Natural Resource Inventory Report should be included in the Appendix and a statement provided that indicates that the narrative is consistent with the full version. (Coleman (11/11/2013))*

##### **Response:**

The text regarding plant species in both the DEIS and the Biological Assessment Report mention the more dominant species present on the property during most visits. The tables reflect all of the vegetation noted onsite during all visits, even if only a small number of a particular species was noted, or if it was noted on only a single visit.

#### **Comment NR-3**

- *The natural resources chapter appears to consist of an edited version of the Natural Resource Inventory completed by Evans Associates. A full version of the Natural Resource Inventory Report should be included in the Appendix and a statement provided that indicates that the narrative is consistent with the full version. (Coleman (11/11/2013))*

##### **Resource:**

The Biological Assessment Report prepared by Evans Associates is included in Appendix H of the DEIS. The narrative in the Natural Resources section of the DEIS is

practices constituting standard stormwater management practices (SMP) with runoff reduction capacity. These practices are connected to downstream micropool extended detention basins. As such the requirement of the NYC Watershed Regulations for two standard SMPs in series will be met.

#### **Comment Storm-5**

- *The project sponsor must show and list all of the proposed Green Infrastructure practices for the project intended to reduce post-development runoff volumes. (NYCDEP (11/12/13))*

#### **Response:**

The water quality volume (WQv) generated after alteration of the site requires that the higher capacity green infrastructure techniques be considered from the list of techniques available. The choices are thus limited to bioretention and infiltration practices given the runoff reduction capacity provided in each type of practice, and their suitability to soil conditions on the site.

#### **Comment Storm-6**

- *The SWPPP must include preliminary design calculations demonstrating the feasibility of the proposed practices to manage the entire Water Quality Volume (Wqv) generated by the development. The Five Step Process for Stormwater Site Planning and Practice Selection illustrated in section 3.6 of New York State Stormwater Management Design Manual should be followed and demonstrated in the revised appendix. (NYCDEP (11/12/13))*

#### **Response:**

The preliminary SWPPP provides the data showing that stormwater management on the site will provide for capture of the WQv and control of peak rates of runoff.

#### **Comment Storm-7**

- *The work associated with the road widening, water and sewer extensions and all other related utility work are components of the project and must be considered in the SWPPP. As such, a plan for the proposed road widening should be provided to verify that there are no proposed impervious surfaces within any applicable restricted limiting distance to a watercourse or state wetland. (NYCDEP (11/12/13))*

Response:

Areas of proposed lane modification on Route 312 are now shown on the project plans. The contribution of runoff generated by the Route 312 widening in front of the project will be directed to proposed treatment practices on the site where possible. Where it is not possible to collect all new pavement runoff, compensation will be made by capturing the equivalent area or more of existing pavement in the site's treatment practices. Where road improvements are further away from the project site, it is intended to address the treatment of runoff from new pavement in practices such as open channel systems or infiltration.

Water and sewer connections to the central systems on Terravest lands will be installed in or along existing road right of ways as shown on Maps #43 and #46 in the DEIS.

**Comment Storm-8**

- *Furthermore, DEP recommends a pre-application meeting with the project sponsor to discuss the current proposal and SWPPP requirements. The project sponsor may contact Jean Marc Roche to schedule the meeting. (NYCDEP (11/12/13))*

Response:

Upon completion of the FEIS process, preparation of detailed site plans will commence at which time the applicant will request a pre-application conference with the DEP for discussion of the stormwater management plan for the project.

**Comment Storm-9**

*Chapter 17: Mitigation*

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

Response:

The FEIS plans include the disturbance of approximately 0.61 +/- acres of Town regulated Wetland Buffer area. ~~This disturbance is discussed in Chapters 8 and 9.~~

**Comment Storm-10**

*Chapter 9: Water Resources and Wetlands:*

Need to insert attached text

add to storm - q + Mit - I

**Response:**

Mitigation for the Town wetland buffer disturbances resulting from stormwater basin grading and outfalls will be achieved by the inclusion of a substantial area of existing paved surfaces in the project's SMP's. In Offsite Subbasins #11 and 12, portions of Route 312, I84 entrance/exit ramps, International Blvd., Milan Drive, and the roof and parking area on three Terravest 1 sites contain impervious surface of over 370,000 sq. ft. This constitutes 8.5 acres of impervious area that will now be captured in SMP's effective in reducing pollutants in urban runoff. The capacity of the 0.6 acres of disturbed buffer area to filter runoff should be far surpassed by the treatment achieved in the project's SMP's.

Wherever possible the widened portions of Route 312 will be drained to the project's SMP's for treatment. The widening for the project along the site's frontage and at the I84 exit ramp will involve approximately 20,000 sq. ft. of new pavement. Due to grade conditions approximately 6,000 sq. ft. of the new pavement will drain toward the south uncaptured. Mitigation for the small area of pavement not captured is achieved by the treatment of a far greater area of existing untreated pavement.

**Comment AKRF-52**

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

**Response:**

The text has been revised.

**Comment AKRF-53**

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

**Response:**

Notations have been added.

**Q. TRAFFIC AND TRANSPORTATION**

**Comment AKRF-54**

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

## Comment Air-1

### Chapter 13: Air Quality

1. *Please correct and supplement the discussion of NAAQS, including a table with the pollutants averaging periods and corresponding standards. For example, HC and TSP are incorrectly listed as having NAAQS, while PM<sup>2.5</sup> for which NAQS have been established is not mentioned. This should be revised in the FEIS. (AKRF (11/12/2013))*

#### Response:

In accordance with the 1970 Clean Air Act regulations and amendments, the United States Environmental Protection Agency (USEPA) has developed National Ambient Air Quality Standards (NAAQS) to protect the health and welfare of the general public which are presented in Table 16-1A below. The NAAQS were developed for specific criteria pollutants, which were identified as pollutants most common to all states and of primary concern due to the level of emissions nationwide. The New York State Department of Environmental Conservation (NYSDEC) is the responsible agency for the attainment and maintenance of the NAAQS and the State's air quality. The primary standards are to protect public health and represent pollutant levels at which there are no significant effects on humans. The secondary standards are intended to protect the public's welfare dealing with air pollutant effects on soil, water, visibility and other aspects of the environment. As shown in Table 16-1A, for pollutants such as nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), and respirable particulates (PM<sub>10</sub> & PM<sub>2.5</sub>), the primary and secondary standards are the same and for most pollutants the NAAQS have also been adopted as the ambient air quality standards for the State of New York. This information is being provided to clarify and correct the discussion of the NAAQS provided in the DEIS text.

## Comment Air-2

2. *The section discussing the attainment status for the county should be corrected (The CO status and the ozone non-attainment classification). This section should also be supplemented to provide the attainment status for each criteria pollutant, including new 1-hour NO<sub>2</sub> and SO<sub>2</sub> standards. (AKRF (11/12/2013))*

Response: The Clean Air Act regulations require each state to submit to the USEPA a SIP for attainment of the NAAQS. The 1977 and 1990 amendments to the Clean Air Act require comprehensive plan revisions for areas where one or more of the pollutant standards have yet to be attained. New York State is currently designated as being in marginal to moderate Non-Attainment status only for ozone, the 8-hour pollutant level (1997 standard), and in Maintenance status for carbon monoxide. However, Putnam County itself is currently identified as being in-attainment for all priority pollutants including ozone, carbon monoxide, lead,

1-hr space

oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide, particulate matter, and inhalable PM<sub>10</sub> and PM<sub>2.5</sub>.

The 1-hr ozone standard is currently not in effect in New York State as noted in Table 16-1A.

### Comment Air-3

- 3. In the discussion of the lack of modeling guidance or methods for NO<sub>x</sub>, please clarify that the text pertains to mobile sources only. Given the modeling constraints, provide instead a statement on the likelihood of potential impacts of the project on the 1-hour NO<sub>2</sub> NAAQS. (AKRF (11/12/2013))*

#### Response:

Regarding the DEIS discussion (Page 13-2) on the carbon monoxide (CO) modelling of local roadway traffic emissions, it was noted that HC and NO<sub>x</sub> pollutant emissions were not modelled for mobile sources due to the reactive nature of these pollutants. In addition, the annual average standards for NO<sub>x</sub> pollutants are generally addressed for the more significant regional effect of fossil fuel burning facilities on annual emissions and not the localized effect of vehicle emissions. Direct effects on these pollutant emissions would be generated by stationary sources on the project site, such as emissions from fuel burned on-site for heating, ventilation, and air conditioning systems. The assessment provided in the DEIS concluded the project would not result in any significant air quality impacts from such stationary sources. Any change in regional mobile source emissions of these pollutants would be related to the total number of vehicle trips and vehicle miles of travel throughout the New York area. The traffic associated with the project would have a negligible effect on the regional travel characteristics and related vehicle emissions. The text discussion relating to the lack of available models to accurately predict HC or NO<sub>x</sub> concentrations on a localized (microscale) basis adjacent to roadways was specific to mobile sources associated with the project generated traffic.

As noted, the emissions of HC and NO<sub>x</sub> pollutants from the project generated traffic would be negligible compared to the more regional emissions of these pollutants from direct stationary and industrial emission sources. The air quality modelling results using the NYSDEC accepted screening method indicated that the worst case project generated traffic emissions of CO would not significantly impact local CO levels at affected receptors in the study area. Consequently, the project generated traffic would not be expected to result in any significant emissions of HC or NO<sub>x</sub> pollutants, and therefore, would not have any significant localized or regional impact on the HC or NO<sub>x</sub> pollutant standards shown in Table 16-1A.

### **Introduction:**

The FEIS was updated to reflect DEIS comments on the traffic report and updates to the project scope and this response addresses the resultant changes on potential environmental impacts for the year of Project completion 2015. The DEIS traffic study was updated by Frederick P. Clark and Associates, Inc. (FPCA) to address public and agency review comments and resultant traffic generated impacts for the minor changes in project size, and resultant changes in the projected 2015 No Build and Build traffic volumes. The potential traffic related noise impacts of the proposed project as summarized in the DEIS were previously evaluated for the analysis year 2011. The results of the updated FPCA 2015 traffic analysis were reviewed with respect to the impact of the change in traffic volumes presented in Table A-1 included in Chapter 16 of the FEIS on the results and conclusions of the technical noise study. The results of this qualitative assessment are as follows:

### **Noise Assessment**

No change in the DEIS equipment noise assessment was performed for the updated 2015 project plan described in the FEIS. The 2011 project noise assessment summarized in the DEIS did not indicate any equipment related noise impacts at adjacent receptors. The downsized project proposed in the FEIS will also reduce the outdoor equipment required based on the reduced square footage making the DEIS equipment noise study conclusions for the 2011 project conservative for the updated 2015 Project design.

The traffic noise impact was addressed at two residences along Route 312 in the vicinity of the intersections with both Zimmer Road and Prospect Road. Similar to the DEIS assessment, as shown in the revised traffic Table A-1, the 2011 No Build traffic volumes increase slightly along Route 312 at both intersections for the 2015 analysis year based on the updated projections. However, the proposed 2015 Build traffic volumes along Route 312 will decrease from the 2011 Build volumes near both the Prospect Road and Zimmer Road intersections based on the reduction in project size. The reduction in traffic volumes that occur near Zimmer Road and Prospect Road under 2015 Build conditions would not affect the magnitude of the projected change in noise levels for 2011 Build conditions. The results of the traffic noise analysis in the DEIS would not change for the updated FEIS traffic volumes and the incremental project impact would remain negligible at less than 1 dBA at both receptors analyzed. Therefore, the updated 2015 project traffic study will not alter the findings or conclusions regarding the project's insignificant traffic related impact on community noise levels determined in the DEIS.

### **Summary**

Based on the review of the updated 2015 traffic study prepared for the FEIS, it was determined that the noise assessment conclusions presented in the DEIS would not change for the updated 2015 project Build conditions consisting of a smaller project in scope than the project analyzed in the DEIS. Correspondingly, the DEIS analysis that was performed for the larger Project scope would be conservative in addressing potential noise impacts for the smaller updated 2015 Project design presented in the FEIS. Therefore, an updated analysis of the 2015 Project described in the FEIS was not required to address the potential noise impacts since the conclusions described in the DEIS would not change.

### **Comment Noise-1**

*Chapter 14: Noise*

1. *On page 14-2, it states that, "Receptor noise levels were measured during the midday traffic period between 2-4 PM to determine representative noise levels affecting the residences along Route 312." However, measurements should have been taken during a peak traffic period, specifically the PM peak traffic period used for the noise analysis. (AKRF (11/12/2013))*

Response:

The existing noise levels were measured during the midday period (3-4PM) based on the similarity of traffic volumes to the peak hour traffic period of 4-5PM. This determination was made based upon review of the 2009 existing 24-hour traffic count information provided in the project traffic report for the Route 312 study area. The hourly traffic volumes were of similar magnitude during both the midday and PM peak hour periods, concluding that noise levels measured during either time period would be similar. Therefore, the 3-4PM measurement period was considered to be representative of the existing ambient noise levels during the corresponding 4-5PM peak hour traffic period for addressing project impacts at the affected receptors along Route 312. In addition, despite the DEIS measured noise level reported for Existing conditions, the critical project noise impact would still be related to the change in future traffic noise levels between the No Build and Build conditions. The future noise levels were predicted using the conservative TNM Screening Model and the future year No Build and Build traffic volumes, and the future noise level predictions would remain unaffected by the measured existing noise levels. The negligible effect of project traffic on community noise levels did not warrant making any adjustments to the measured noise levels just to coincide with the future TNM model predictions as discussed in response to Comment Noise-4.

~~During review of the FEIS, additional information was requested regarding the use of the 3-4 pm time frame. Noise levels representative of Existing conditions were measured during the 3-4PM midday period based on the similarity of existing traffic volumes to the 4-5PM peak hour traffic period along Route 312 between International Boulevard and Zimmer Road. The 3-4PM period was determined to be representative of the noise receptor analyzed based on review of the 2009 Existing 24-hour traffic count information provided in the project traffic report for the above Route 312 study corridor. The existing hourly traffic counts on Route 312 during the 4-5PM Weekday (907vph) and Saturday (705vph) peak hours were only 1-2% higher than the corresponding 3-4PM Weekday (898vph) and Saturday (701vph) existing volumes. The same order of magnitude volumes for both the 3-4PM and 4-5PM time periods indicated that noise levels measured during either time period would be similar and representative of Existing conditions. Therefore, the negligible difference in the hourly traffic volumes between the 3-4PM and 4-5PM time periods would not result in any significant difference in the measured noise levels presented in this FEIS as representative of the existing conditions.~~

move up

# ALTERNATIVES

## Chapter Eighteen

---

---

### Comment ALT-1

*A significant amount of cut and fill in addition to three (3) massive retaining walls are being proposed. The project sponsor should consider alternative landscape architectural plans that work with the site's contours and are less intrusive to the land while balancing the needs of the proposed development. (NYCDEP (11/12/2013))*

#### Response:

As graphically set forth in the side by side comparison now provided in the Executive Summary, the applicant has significantly reduced ( by 43,000+/- sf) the retail space that was the proposed action originally including reducing the number of parking spaces from 800 to 721+/- . The current plan is significantly less square footage than the several large existing shopping centers in town. In addition, the grading has been adjusted to reduce overall cuts and fills and to allow the project to remain in earthwork balance. Further reductions and adjustments are not within the range of reasonable alternatives that are feasible considering the objectives and capabilities of the project sponsor (See 6NYCRR617.9(b)(5)(v)).

### Comment ALT-2

*The DEIS does not address and mitigate the potential impacts to water quality as a result of the signification increase in impervious surfaces and change in land use. Due to the extent of exceedingly steep slopes on the subject parcels and the adjacent State regulated wetland that feeds into New York City's Water Supply, DEP recommends that the developer explore alternative designs to reduce the project's footprint and area of disturbance that better fits the site topography in order to reduce the potential environmental impacts. (NYCDEP (11/12/2013))*

#### Response:

The stormwater management section of the FEIS indicates the proposal will be designed to meet NYCDEC and NYCDEP requirements. See also Comment ALT-1 above.

### Comment ALT-3

#### CHAPTER 16: ALTERNATIVES

1. *The FEIS should clarify the sewer/water generation rates between the three alternatives. The HC-1 Zone Alternative with Hotel provides a more*

*detailed analysis that should be applied to the other alternatives as well.  
(AKRF (11/12/2013))*

**Response:**

The Hotel has been included in the primary plan. Please refer to water and sewer responses in the FEIS.

**Comment ALT-4**

2. *The sample water bill provided for the Hilton Garden Inn on page 16-15 does not include the total number of rooms. This should be provided by reference. (AKRF (11/12/2013))*

**Response:**

The calculation for water usage of the hotel was modified in the FEIS to use NYSDEC standards. This comment no longer applies.

**Comment ALT-5**

*How do the potential impacts to the Tonetta Lake Area compare between the baseline potential RC development and the proposed HC-1 Zoning with respect to traffic, noise, visual impacts and light levels? (Kim Cercena (11/12/2013))*

**Response:**

The baseline impacts vary very little between the RC alternative and the HC-1 proposal. In either instance, the same size area of the site will be disturbed. Visual and lighting impacts will be identical. The Ridgeline area would be disturbed in the RC proposal to the same extent as the primary proposal. Noise and air quality impacts would not change. Parking required for the RC alternative would be in the range of 900 ± spaces where as parking in the primary proposal reduces to 700 ± spaces. Multi story office buildings allowed in the RC zone would be about the same height as the proposed hotel in the FEIS plan.

**Comment ALT-6**

*We agree that a hotel is needed in the town and this location is well suited for it. ( James Collins (11/12/2013), (Clare & Holger de Buhr (11/03/2013), (John & Karen Schlick*

(09/17/2013), (Public Hearing (11/07/2013))

Response:

The primary proposal has been modified to include a 100+/- room hotel.

**Comment ALT-7**

*What is the anticipated indirect spending at local restaurants due to the proposed hotel?  
(James Collins (11/12/2013))*

Response:

The expectation of spending on local restaurants could be as much as \$210,000 - \$638,000 per year depending on price of the meal. This calculation is based on 70% room occupancy for between 200- 365 days with one meal per day, at \$15- \$25, at local restaurants.

**Comment ALT-8**

II. *The DEIS Must Include an Analysis of a Range of Alternatives to the Proposed Project.*

*However, other than the No Action alternative, the DEIS only evaluates alternative actions similar in size to the Proposed Project and likely to result in a similar impacts to water quality. Both the RC Alternative and HC-1 with Hotel Alternative would disturb wetland buffer areas (though the amount of disturbance is not quantified), result in a total area of disturbance of approximately 31 acres, and create approximately 30% impervious coverage, the same as the Proposed Project. Therefore, the two alternatives are not only similar in scale to the Proposed Project, but would similarly adversely impact water quality.*

*In order to satisfy SEQRA's mandate to evaluate a range of reasonable alternatives, additional alternatives must be considered. The alternatives analysis in the DEIS must be expanded to include alternative actions that are smaller in scale and result in the creation of less overall site disturbance, reduced impervious coverage, and no wetland buffer disturbance compared to the proposed action. (Riverkeeper (11/12/13) (Public Hearing (11/07/2013))*

Response:

The alternatives considered were directed by the lead agency, *and includes a reasonable range of alternatives to the proposed project. Please refer to response to comment ALT-1 and ALT-5.*

**Comment ALT-9**

*As per State Environmental Quality Review (SEQRA), we are proposing an alternative that is consistent with the Rural Code and Comprehensive and Croton Plan. It is the position of the Southeast Residents for Responsible Development that the Rural Commercial Code permitting a three-story hotel of approximately 100 to 120 rooms with conference center and fitness center; a 25,000 square foot retailer similar to the type of Home Goods; a 10,000 square foot family-style restaurant similar to the type of Cracker Jack and a bank, would fulfill the objectives of the Comprehensive Plan, less on some of the unavoidable impacts to the enforcement traffic and, I recognize Rte 312 as a "commercial hub." (Ann Fanizzi (11/12/2013) (Public Hearing (11/07/2013)*

**Response:**

The RC zone does not permit retail uses such as a Home Goods. Dedication of the 52 acre site to a 120 room hotel/conference center and a restaurant would not generate sufficient revenue to finance the project.

- Westbound approach: Restripe to two left-turn lanes, one through lane and one right-turn lane; and,
- Upgrade traffic sign hardware and revise traffic signal timing plan.

7. *Route 312 at Office Access Drive*

- Westbound approach: Provide a 350-foot left-turn pocket.

8. *Route 312 at Route 6*

- Eastbound receiving lane: Add a 625-foot receiving lane;
- Westbound approach: Lengthen pocket to 625 feet;
- Southbound approach: Restripe to double left-turn; and,
- 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.

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

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

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

1. *Route 312 at Interstate 84 Eastbound Interchange 19 On/Off Ramps and Independent Way*

- Northbound through lane total delay between 55.0 and 80.0 seconds/vehicle during the Saturday midday peak hour only;
- 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 95<sup>th</sup> 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.

**Comment Mit-1**

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

**Response:**

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

Replace w/ Response to  
Comment Storm - 9  
(they are the same)

# GROWTH INDUCING ASPECTS and CUMULATIVE IMPACTS

## Chapter Twenty

---

### Comment Growth-1

#### *Growth-Inducing Aspects*

*The DEIS contains contradictory assertions that call into question its conclusion that the Proposed Project is not likely to induce additional commercial and/or retail development. The Applicant begins by asserting that the Proposed Project will increase demand for goods and services and that "it is possible" that additional stores or personal services may open, but then claims that the increase in income will instead stabilize the market rather than enable its growth. None of these assertions are supported with any kind of factual data. In addition, the DEIS briefly lists a number of potential development projects that may be undertaken nearby, including "vacant lots in Terravest Corporate Park, "upgrades to existing buildings," and the former Putnam Seabury site, but provides no evaluation of whether or not these projects may be induced by the Proposed Project. (Riverkeeper (11/12/13)*

#### Response:

The project includes a 100+/- room hotel and 143,000 +/- SF of retail and restaurant space. Since construction of the Highlands, there has been no direct or indirect growth related to the existence of the shopping center including this property which was proposed to be retail space at the same time as the Highlands. Based on this, there appears to be no direct or indirect connection between the Crossroads proposal and any corporate development which may happen in Terravest Corporate Park or on other properties in the area. The Putnam Seabury site has no current approvals. It is vacant land, with limited access and no utility service available. The last approvals at the site were for residential use and not a direct or indirect growth from the proposed project.

### Comment Growth-2

*Further, the DEIS falls far short of the requisite level of detail necessary to evaluate the growth-inducing aspects of the Proposed Project and the significant environmental impacts likely to result. For example, the DEIS concludes that there is a sufficient unemployed population in the area to absorb the additional jobs created by the Proposed Project, presumably as evidence that the project will not induce population growth, but fails to support that conclusion. Instead, the applicant merely lists the unemployment rate in the area, but does not provide information regarding how many of those*

*individuals are able to work and have the skills to match the employment opportunities that will be created. (Riverkeeper (11/12/13)*

**Response:**

This project will require similar skills and number of employees to those shopping plazas already in the area and will provide another source of employment for the area.

Census data suggest people in Putnam County travel approximately 30 minutes to work. In 2010 about 6.9% of the working age population in the area was unemployed. The project retail development consultant expects most jobs to be filled by people currently residing in the market area, a 30± minute drive.

The proposed project is now smaller in size than the existing Highlands or Lakeview shopping centers and will offer another employment option for local residents.

**Comment Growth-3**

*Cumulative Impacts*

*The DEIS does not appear to contain any sort of analysis of cumulative impacts. Despite the title of Chapter Twenty, Growth Inducing Aspects and Cumulative Impacts, that section of the DEIS does not contain a discussion of cumulative impacts. The Applicant notes that the project area is “identified in the Town Comprehensive Plans as a node for economic activity, but—other than briefly mentioning and dismissing the Putnam Seabury site. Vacant lots in Terravest Corporate park and, unnamed potential building upgrades—does not attempt to identify potential projects in that same area. Given that any development projects in the area are likely to increase impervious surfaces and thereby the risk of transporting pollutants into surface and drinking water resources via increased stormwater runoff, it is critical that the DEIS identify other planned and/or approved projects in the area and evaluate likely cumulative impacts. (Riverkeeper (11/12/13)*

**Response:**

The proposal is independent from other sites in the area and will stand on its own economic merits. Every project within the NYC Watershed is evaluated by NYCDEP and NYSDEC on its own merits for compliance with the applicable stormwater quality regulations. Vacant lots in Terravest Park are zoned for corporate use, having no connection to retail use. A number of lots in Terravest Corporate Park are already approved for construction, independently of this site. ~~The Putnam Seabury site has no approvals and has no proposal before the town.~~

**Comment Growth-4**

*What is the potential effect on other RC Zoned properties if the zone change is granted?  
(Catherine P. Croft (11/12/2013), (Steven Mattson 11/8/2013)*

**Response:**

As noted in the DEIS, it is highly unlikely that other RC properties could meet the Special Permit criteria proposed by the zoning amendment. Large Retail Establishments ~~and hotels~~ are not currently permitted uses in the RC zone. Moreover, under the current zoning of the subject property as RC, it is the only such zoned property with immediate access to an interstate interchange and across from an already developed office/industrial park. Notably, the recently adopted Town of Southeast Comprehensive Plan states with respect to Rural Commercial Districts, "Additional uses that could be considered are craft workshops, agricultural tourism based businesses and performing arts or other arts based uses"(page5-6). While these uses are more suited to the three other areas zoned RC, they are ill-suited for the subject property when contrasted with the uses permitted in the HC-1 zone, which is Highway Commercial (emphasis added). Accordingly, there is little or no impact from the zoning text changes on other property zoned RC.

**Comment Traffic-12**

12. *The simulation setup is for one 60 minute interval. Typically four 15 minute intervals with PHF and anti-PHFG would be selected. (AKRF (11/12/2013))*

Response:

See response to Comment Traffic-12 above.

**Comment Traffic-13**

13. *Please confirm that multiple Sim Traffic runs were used. (AKRF (11/12/2013))*

Response:

Multiple runs were used, the results of which can be found within the micro simulation CD for each of the Study Peak Hours submitted to the Town Planner.

**Comment Traffic-14**

*What improvements are proposed at the Independent Way/RT 312 and RT 6/RT 312 Intersections? (Alice V. Brandon (11/09/2013), (John Ballantine (11/12/2013))*

Response:

See introduction to this chapter for a complete list of proposed road improvements. The following improvements are proposed at the selected intersections:

Route 312 at Interstate 84 Eastbound Ramps/Independent Way –

- Restripe Independent Way Approach to Provide Two Left Turn Lanes, One Through and One Right Turn Lane for Right Turn Movements; and,
- Restripe the Off-Ramp to Provide One Left Turn Lane, One Through Lane and a Right Turn Lane to Route 312;
- Revise Traffic Signal Timing Plan Including;
- Sequence Order, Split Optimizations, Cycle Length, Offsets; and, Traffic Signal Hardware
- Add Northbound Right-Turn Arrows.

The following are the proposed roadway improvements for the intersection of Route 312 at U.S. Route 6 –

- Revise Signal Timing Plans Including;

**LOCAL LAW AMENDING CHAPTER 138**

**OF THE TOWN CODE**

A LOCAL LAW to amend Chapter 138 of the Code of the Town of Southeast regarding Zoning.

**BE IT ENACTED** by the Town Board of the Town of Southeast as follows:

**Section 1.** Chapter 138, Section 41 entitled "Application procedures" shall be amended as follows:

§ 138-41. Application procedures.

Applications for site development shall be submitted to the Southeast Planning Board, except that applications for site development for Large Retail Establishments, including other uses proposed as part of the same overall master plan as the Large Retail Establishment, shall be submitted to the Southeast Town Board according to the standards as set forth in this article and to the additional standards, where applicable, in Articles IV and X.

**Section 2.** Chapter 138, Section 63.4, Subsection C entitled "Design guidelines" shall be amended as follows:

C. Design guidelines. All large retail establishments shall comply with the following Town of Southeast Design Guidelines for Large Retail Establishments. ~~The Planning Board, when considering the site plan, and the~~ Town Board, when considering the site plan and special permit, shall consider the application's conformance to these design guidelines in considering approval or denial of the application. Drawing L-1 shows a schematic layout for a large retail establishment showing, in general, a number of the design elements contained in these design guidelines. *Editor's Note: Drawing L-1 is included at the end of this chapter.* Users of the design guidelines shall refer to this drawing and other drawings for clarification of the guidelines but not as a prescriptive site or building design. Table 1 provides a listing of preferred native plant species.

....

**Section 3.** Chapter 138, Section 63.4, Subsection F entitled "Adjustment of regulations" shall be added as follows:

F. Adjustment of Regulations. The Town Board may 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 §138-15.1 are limited to 3 feet for fill or cut slopes, and 1 foot

*in height*

*in height*

per .wall, 40%, 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 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.

**Section 4.** Town of Southeast Commercial Zoning Schedule, 138 Attachment 5, page 5:2, shall be amended as follows:

1. Add "Hotel/motel/conference facility" to the list of special permit uses in the HC-1 District.
2. 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.
3. 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.

**Section 5.** Article IX of Chapter 138, entitled "Site Plan Review and Approval" shall be amended as follows:

§ 138-41.1. Approvals for Large Retail Establishments.

Notwithstanding any other provision of the Town Code, the Town Board shall have approval authority for all discretionary permits and approvals, of whatever kind, needed for the construction of a Large Retail Establishment and other uses proposed as part of the same overall master plan as the Large Retail Establishment. The Town Board, in its discretion, may consult with any other Town board, commission, committee or officer whom the Town Board deems necessary and appropriate. The Town Board, in its consideration of applications for discretionary permits and approvals shall follow the procedure of the approval authority that otherwise would have decided the application. For purposes of this section, discretionary permits and approvals shall mean those permits and approvals which are granted at the discretion of the approving authority and excluding ministerial permits and approvals which must be granted upon the applicant's compliance with the relevant requirements under the Town's laws and regulations.

**Section 6.** This local law shall take effect immediately upon filing with the Office of the Secretary of State.

# LAND USE AND ZONING

## Chapter Four

### Introduction:

The project plan has been modified through the DEIS review process. The FEIS proposal includes a four (4) story hotel. The inclusion of the hotel is the result of many comments made during the Public Comment period. The Town Board will need to modify the HC-1 Zone to permit hotels at 4 stories in height as a result of this modification.

The proposed Zone Change Map is included as Map #4. The project Master Plan is included as Map #5. The Zone Change Petition and proposed Local Law associated with this application is included in Volume Two, Tab 1.

### Comment LU&Z-1

*Chapter 2: Land Use, Zoning and Public Policy*

*3. —The proposed Local Law does not address which board would be responsible for approving Town of Southeast Wetland Permits, which may be required for this project and are currently under the Planning Board's jurisdiction. (AKRF (11/12/2013))*

### Response:

The amended Zoning Change Petition submitted by the applicant ~~has suggested to the Town that the approval authority for~~ would transfer all discretionary ~~permits and~~ approvals ~~needed~~ for Large Retail Establishments ~~be vested in~~ to the Town Board ~~in consultation with such other Town boards and commissions as the Town Board deems necessary and appropriate in considering a given project. Such amendment to the Town Code might read as follows.~~ The amended petition now reads: “Notwithstanding any other provision of the Town Code, the Town Board shall have approval authority for all discretionary permits and approvals, of whatever kind, needed for the construction of a Large Retail Establishment. The Town Board, in its discretion, may consult with any other Town board, commission, committee or officer whom the Town Board deems necessary and appropriate. The Town Board, in its consideration of applications for discretionary permits and approvals, shall follow the procedure of the approval authority that otherwise would have decided the application. For purposes of this section, discretionary permits and approvals shall mean those permits and approvals which are granted at the discretion of the approving authority and excluding ministerial permits and approvals which must be granted upon the applicant's compliance with the relevant application requirements under the Town's laws and regulations.”

|

However, the petition does not propose to amend the Special Permit regulations which require the application to be referred to the Planning Board for a report and recommendation, or to the Architecture Review Board for their recommendation.

### Comment LU&Z-2

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

### Response:

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

Please refer to response to comment LU&Z-1 above. The amended Zoning Petition, if adopted, would transfer subdivision approval to the Town Board for applications involving a Large Retail Establishment.

### Comment LU&Z-3

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

### Response:

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

#### Comment LU&Z-4

~~5.~~

*The FEIS should further describe the proposed changes to the ridgeline protection ordinance, and what permit conditions would be implemented to protect -ridgelines and viewsheds. The language that is included in the Zoning Petition (see Appendix A) does not include any specific performance requirements, and therefore could be too vague to provide adequate ridgeline protection or mitigation. (AKRF (11/12/2013))*

#### Response:

The Applicant has proposed an amendment to Section 138-63.4 of the Code of the Town of Southeast Town Code which would add subsection F, allowing the Town Board to modify or waive the requirements set forth in Sections 138-12.I and 138-15.1 of the Town Code. -No performance criteria are proposed by the applicant.

However, the ~~proposed amendment also includes a number of restrictions~~ Town of Southeast Comprehensive Plan Update adopted on the Town Board's authority, including (i) August 21, 2014 recommends the adoption of a Ridgeline Development Permit. Development within a ridgeline would be subject to a public hearing and permit approval by the Town Board, with review and recommendation by the Planning Board. The Comprehensive Plan Update further recommends that the development approval be contingent on the following performance criteria:

- Buildings, structures, towers, storage tanks, or other improvements should not be visible above the top of the ridgeline, or above the top of vegetation located within the ridgeline area, from surrounding private property or public rights-of-way in adjoining lowlands or adjoining ridgelines by cause of excessive clearing, building or structure height, or location of any building or structure with respect to the top of the ridgeline. Development within a ridgeline area should be carefully evaluated during site plan review. The developer should be required to submit detailed viewshed analyses and alternatives so siting choices can be evaluated by the Planning Board.
- Buildings should be sited to minimize intrusions into viewsheds. This can be achieved by taking advantage of topographic changes and existing vegetation.
- Buildings and other structures should be placed to maintain the harmony between the built and natural environment and not change the sequence of views to or from other areas of the Town. Objects such as dumpsters, antennas, satellite dishes, and solar panels should be screened. Where practical, development should occur at the edge of wooded and open areas.
- Development of parcels containing steep slopes should be evaluated during site plan review to minimize the potential for erosion and visual intrusion.

- Excessive clearing of any ridgeline should not be permitted for the purpose of site access, site landscaping, installation of subsurface sewage disposal systems, or any other modification to Section 138-15.1 to allow an additional 3' to the natural land. The term "excessive clearing" means the removal of more than 10 trees, eight inches or more in diameter at breast height, per quarter acre of land disturbed.
- Lighting of building and parking areas within a ridgeline area should be dark sky compliant. All exterior lighting should utilize full cut off fixtures. Berms and evergreen buffers should be used to further shield views of lighted parking areas and buildings from off-site locations. Exterior lighting should be zoned so that only those lights which are necessary for health and safety remain on after hours.
- Ridgelines should be designated as the uppermost 50 vertical feet of a hill or mountain above a minimum elevation of 500 feet above mean sea level.
- Promontories should be designated as the high point of land or rock projecting into a body of water or a local summit(s), ridge(s), or high point(s) along a ridgeline measured to a maximum cut or fill slopes and a 1' addition of 150 horizontal feet but no more than 75 horizontal feet on any side.
- Visual analysis of potential impacts to ridgelines should be conducted in the wall height, and (ii) a requirement that leaf-off season.

The above language is currently a recommendation in the Comprehensive Plan, and has not been codified into the Town's Zoning Ordinance. However, the local law proposed by the Applicant, if adopted, would require the Town Board to consider impacts on the community health, safety and welfare; economic development; harmony of uses; quality of life; environmental impacts, and the project's consistency with the Town Comprehensive Plan before granting a modification or waiver of those requirements. The proposed amendments to the Ridgeline Protection and Manufactured Slopes provisions are intended to provide the Town Board with flexibility in determining the allowable extent of ridgeline and slope disturbances. Comprehensive Plan. As such, the proposed development would be required to be reviewed against the above criteria during site plan review.

Notwithstanding the foregoing, the primary performance criteria for the Crossroads 312 Project is placement of building rooflines below the level of the ridgeline elevation on the subject property as shown on Map #12. In this instance, the rooflines will remain below the ridge and allow the project to be screened from view from I-84 and NYS Route 312. Incorporation of LED lighting fixtures which meet "Dark Sky" criteria has also been considered. The site is also designed to maintain the tree cover along Route 84, add a vegetated buffer along Route 312 and locate the buildings such that views into the property from the south are limited. As noted in the Visual Impacts chapter, the building placement is specifically designed into the middle of the site and placement of light fixtures are such that views into the site, although no longer completely wooded are not directly of buildings and light fixtures.

## Comment LU&Z-5

*The draft Comprehensive Plan Update recommends the establishment of a Ridgeline*

*Protection Permit with specific performance criteria that should be met for development to be permitted within a ridgeline area. The recommended performance criterion includes night lighting restrictions, tree preservation, and similar measures to minimize the visual impact of development within a ridgeline area. The Town Board may consider pursuing the development of this zoning in lieu of the applicant's recommendations. (AKRF (11/12/2013))*

**Response:**

~~The Comprehensive Plan was adopted in August 2014. The plan acknowledges the Crossroads 312 project and does not appear to offer any new restrictions or limitations. Furthermore, the Crossroads 312 Project has been designed with rooflines below the ridgeline, and "Dark Sky" criteria have also been considered.~~

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

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

**Comment LU&Z-6**

~~6.~~

*The Zoning Petition recommends allowing the Town Board to modify or waive the provisions of 138-15.1. The section of the Code regulates manufactured slopes and retaining walls. The Zoning Petition if granted, would allow the Town Board to grant a ~~waive~~waiver of up to 10% of the requirements of 138-15.1. The FEIS should provide an analysis, including site sections, calculations and renderings, of what a 10% waiver of these requirements would look like on the Project Site. (AKRF (11/12/2013))*

Response:

The proposed waiver is meant to provide the Town Board with flexibility in responding to unexpected changes requiring extra vertical room to meet existing grade or where existing conditions require specific grading such as to meet NYSDEC stormwater requirements. It is further intended to allow for field changes which might result in the final slope and/or wall configurations to provide a more stable slope or better grading. However, it is clear from further discussions with the Town Engineer that the Town and Town consultants should have obvious guidance and limits with respect to future application of the proposed waiver. The language might be modified to use a specific height limit - such as 12' (based on an allowed 60' cut and 60' fill as defined in Section 138-15.1) in limited areas as opposed to the 40% defined in the Petition to clarify the limits of this waiver.

(Pages 2-4 Revised Oct 14, 2014)

The Zoning Change Petition has been amended to remove the 10% waiver. Instead, the Town Board would be permitted to grant modifications or waivers limited to 3 feet in height for fill or cut slopes, and 1 foot in height per wall.

#### Comment LU&Z-7

*GENERAL*

~~1.~~

*Page ES-2 of the DEIS indicates that in conjunction with the proposed zone change, the Applicant has requested a change in Section 138-15 A & B of the Town's Zoning Regulations to allow for a 10% modification of the requirements for slopes and walls. However, previous correspondence, the DEIS Page ES-5, and a review of the submitted plans indicate that the project as now proposed complies with current regulations. The need for the requested modification should be clarified and if proposed, the areas where the project exceeds current standards should be identified. If the current requirements are exceeded, the maximum wall height and slope length proposed for the project should be specified. (NLJA (11/12/2013)*

Response:

~~The proposal~~ Please refer to LU&Z-6 above. The project has been redesigned to generally meet the requirements of Section 138-15.1(A) and (B). The provision for the waiver is to allow flexibility during construction and to address specific tenant requirements not defined at the time of approval. -The Town Board would retain review and approval authority for such waivers.

#### Comment LU&Z-8

*The Town Board should consider how the project and the proposed local law fit the overall context of the Town's Zoning Code and Comprehensive Plan. (AKRF (11/12/2013)*

Response:

The Town Board has carefully considered how the Crossroads 312 Project and proposed Zoning Code amendment fit within the overall Zoning Code and Comprehensive Plan. As stated elsewhere in the Town Board's responses to these comments, the Crossroads 312 Project is consistent with ~~both~~ the existing 2004 Comprehensive Plan, and the ~~draft~~ 2014 Comprehensive Plan Update, both of which identify the ~~location~~ intersection of I-84 and NYS Route 312 of the project as a prospective commercial node within the Town— (See Comprehensive Plan, pp. 7-3 - 7-4; ~~Draft~~ Comprehensive Plan Update p. 7-4.). With respect to the Zoning Code amendment, the Town Board finds that the proposed amendment will benefit the Town by streamlining the review, and if appropriate the approval, of large-scale

retail projects in the Town. -The amendment will not lower the standards required for such approvals, nor will it contravene any principle of the ~~existing or updated~~ Comprehensive Plan.

### **Comment LU&Z-8a**

*How does the existing zoning relate to the Comprehensive Plan? (Bill Heath\_ (11/12/2013)*

Response:

Existing zoning on the subject property is consistent with the ~~current~~ Comprehensive Plan. The property is currently in an “RC” zoning district. Permitted Principal Uses in this district include offices, restaurants and recreational uses. -Conference centers and hotels are permitted by special permit. Permitted Accessory Uses include Retail and Services. *See TOWN OF SOUTHEAST, CODE, CH. 138 ATTACHMENT 5 “COMMERCIAL ZONING SCHEDULE.”* The ~~existing~~ Comprehensive Plan identifies the area at the intersection of Routes I-84 and 312 as within a “Growth Focus Area” envisioned as a “node of commercial activity.”

### **Comment LU&Z-9**

*Is the proposed zoning consistent with the current Comprehensive Plan? (John F. Riley (11/10/2013)*

Response:

Yes. Please see response to Comment LU&Z-8.

### **Comment LU&Z-10**

*Is the proposed zoning consistent with the proposed Comprehensive Plan which is being reviewed and revised as of November 2013? (-Steven Mattson (11/10/2013)*

Response:

Yes. As stated on Page 7-4 of the ~~Draft~~ Comprehensive Plan Update, the area surrounding the Interchange of Routes I-84 and 312 is still viewed as a prospective “node of commercial activity.” The map in Figure 7-1 specifically identifies Crossroads 312 Retail Center as a location of Potential Commercial Activity (black square No. 6). The proposed ~~zone change, rezoning to an~~ HC-1, and the proposed addition of “Hotel/motel/conference facility” as a special permit use to the HC-1 zoning district, ~~with~~ would allow for uses consistent with the existing commercial development, including offices in the vicinity of the project. Permitted uses on the site would include: office, personal and professional services, restaurants, and recreational uses, as well as special permit uses including hotels, motels, conference centers and large retail establishments. In addition, the general design principles, and Ridgeline and Hillside development provisions would apply.

### Comment LU&Z-11

*How does the proposed rezoning affect the overall development potential of the Crossroads property? What is the development potential of the property under the current zoning? (Kim Cercena (11/12/2013), (Public Hearing 11/07/2013)*

#### Response:

The proposed rezoning affects the potential uses ~~on the property, not the overall~~ and development potential of the ~~site. Under~~ property. The proposed rezoning increases the FAR from 0.15 in the RC Zoning District to 0.3 in the ~~current zoning, a project could be constructed on~~ HC-1 Zoning District. The HC-1 Zoning District also has smaller setback and yard requirements than ~~the property with more building floor area and equal site disturbance.~~ RC Zoning District. However, both zoning districts have the same lot and building coverage requirements. The Permitted Principal, Accessory and Special Permit Uses on the property are more limited under the current zoning (RC), ~~with Office being one of the four Permitted Principal Uses. Due to market conditions, office use at this intersection has not been a viable option for many years.~~ The ~~HC-1~~ proposed rezoning ~~will~~ and text amendments would allow for the development of a Large Retail, Hotels and Conference Centers Establishment as a Special ~~Permitted Uses in addition to Permitted Principal Uses~~ Permit Use, which ~~still include Office and Restaurant uses permitted~~ is not currently allowed in the RC Zoning District.

### Comment LU&Z-12

*Why can't a Bed & Breakfast establishment be built here? (Steven Mattson (11/07/2013)*

#### Response:

Under the current RC zoning, a bed-and-breakfast is a Special Permitted Use on the property. ~~However, bed-and-breakfast establishments do not generally have sufficient income to acquire property and construct a new building. Typically, bed-and-breakfast operations open in existing buildings requiring limited upgrades and construction as opposed to new construction. Moreover,~~ However, the applicant has represented that a bed and breakfast is not a reasonable alternative to the proposed project because a “bed-and-breakfast” is defined under the Town Code (§ 138-4) as a “lodging facility with fewer than 10 guest rooms” and “no public dining or public bar.” This definition severely limits the potential economic benefits associated with bed-and-breakfast establishments and is not consistent with developing the interchange of I-84 and Route 312 into a node of commercial activity. For these reasons, a bed-and-breakfast is not an economically feasible prospect for this property.

### Comment LU&Z-13

*If the Highway/Commercial zoning change is approved, the applicant can build what*

*they like which is considerably more than the current Rural/Commercial zoning would allow. (Concerned Residents of Southeast 11/9/2013)*

**Response:**

The development potential on the property under the current RC zoning is comparable to the proposed HC-1 zoning (as amended). Approximately 283,000 square feet of floor area is possible under both the RC and proposed HC-1 zoning. The current RC zoning limits the uses on the property, not the overall size of development, which will remain largely the same under the proposed HC-1 rezoning.

**Comment LU&Z-14**

*The intersection of I-84 and Route 312 seems a perfect location for a project of this kind.*

*(James W. Byron, Jr. (11/8/2013), Jim Byron 11/8/2013) Alexander J. Abels (11/07/2013) S. Peter Pastore (11/7/2013), Mr. & Mrs. K. Mitchell 11/07/2013, Sara Amuso 11/07/2013), Carol Davis (11/07/2013), Louis and Jocelyn Sarro (11/06/2013), Peter C. Alexanderson (11/05/2013), Clare & Holger de Buhr (11/03/2013), Sheri Hogan (11/02/2013), Kahleen Abels (11/01/2013), Meghan Taylor (10/24/2013), Public Hearing Comments (11/07/2013)*

**Response:**

Comment LU&Z-14 expresses support for the Crossroads 312 Project and makes note of the letters written in support. No further response to this comment is necessary.

**Comment LU&Z-15**

*How many jobs are to be created by this project? (Alexander J. Abels (11/07/2013), (Stephen Abels (11/07/2013)*

**Response:**

It is estimated that the Crossroads 312 Project will ~~create~~generate approximately ~~330~~250 full time equivalent jobs during the construction period, and approximately 391 full time equivalent jobs during operation.

**Comment LU&Z-16**

*The HC-1 Zone has smaller setbacks than the RC Zone. Why should this be approved? (Public Hearing Comments (11/07/2013)*

Response:

Because the proposed project is a “Large Retail Establishment,” it is subject to the site design standards prescribed in Section 138-63.4 of the Southeast Town Code, which prescribes larger buffer zones than the setbacks required in the HC-1 District. To the extent these buffers are smaller than the setbacks required in the RC District, they are only slightly smaller and there are vegetative screening requirements under 138-63.4 that must be observed as well. Therefore, it is not expected that the smaller setbacks will result in an appreciable difference in the visual impacts on the area surrounding the subject property.

**Comment LU&Z-17**

*Why is the applicant requesting that the Town Board have Site Plan review and approval authority for the requested Special Use Permit for “large retail establishments” in lieu of the Planning Board? (Public Hearing Comments (11/07/2013))*

Response:

The project for which this application has been submitted is uniquely complex and requires various stages of review and multiple approvals, some of which must come from third-party state agencies. Recognizing the complexity and importance of this application, the Town Board found it would be in the best interests of the Town to streamline the site plan and special permit review processes and vest approval authority with a single agency within the Town. As the legislative body of the Town, it seemed most appropriate to place the decision-making authority with the elected officials on the Town Board.