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Memorandum

To: Town of Southeast Planning Board

From: Ashley Ley, AICP; Anthony Russo; James Nash; Christian Thompson; Christian Michel; Bryan Zieroff; and Kevin Edwards

Date: April 4, 2019

Re: Commercial Campus at Fields Corner FEIS (formerly known as Northeast Interstate Logistics)

cc: JMC, Dan Richmond

This memorandum summarizes AKRF's preliminary review of the draft Commercial Campus at Fields Corner FEIS received on March 19, 2019. Where noted, additional comments will follow.

It is important to note that the Final Environmental Impact Statement (FEIS) is the Lead Agency's document, which in this case is the Town of Southeast Planning Board. As such, the document should be written in the voice of the Planning Board, and should reflect the majority's opinion.

It is standard practice for the preliminary draft of an FEIS to be prepared by the Applicant, and then reviewed by the Lead Agency and its consultants. The purpose of this review is to determine whether the FEIS provides substantial responses to the public's comments, and whether all relevant information is presented and analyzed in a complete and understandable format. The comments that the Lead Agency concurs with should be integrated into the FEIS. Where issues have been left out or have not been addressed thoroughly, in the opinion of the Planning Board, the Applicant should be requested to revise the FEIS and resubmit the document to the Planning Board for further review.

GLOBAL COMMENTS

1. Unless something is absolute (i.e. "will be required"), the FEIS should utilize "would" instead of "will."
2. Where a statement is predictive of a future condition the FEIS should preface the statement with "is anticipated to" or use a similar qualifier. More determinative statements such as "in fact" should be avoided.
3. The FEIS should be in the voice of the Planning Board. In general, "marketing" style language should be avoided. This memorandum primarily focuses on technical content. AKRF will work with the Planning Board to edit responses for voice. This is particularly relevant to the Project Description, Land Use and Zoning, and Visual Resources sections of the document.

4. The printed version of the FEIS included a number of blank pages and went from single-sided to double sided in some sections. While it appears that no pages were missing from the document, this could be confusing to readers.
5. There are several instances where the FEIS indicates the Applicant's willingness for a specific issue to be addressed as a condition of the Special Permit. These should be revised to state that the Town intends to require these items as conditions of Special Permit and Site Plan approval.

PROJECT DESCRIPTION

1. The Project Description should include a figure that shows the DEIS layout versus the FEIS layout.
2. Section D on page I-3 should be revised to include the sizes of the proposed Building A and Building B individually (this information is not currently provided anywhere in the Project Description).
3. The table on page I-6 appears to have been cut-off.
4. The Applicant proposes to designate certain lands as "no build" areas – as in areas that would be restricted from future development – and this term is used throughout the document. However, as this term has a specific SEQRA meaning that is different from how it is being used here, it is recommended that the Applicant use a different term. Options to consider are "conservation area," "deed restricted preservation area," or similar.
5. Page I-7 (and elsewhere) use the term "Town-defined" open space. Is this referring to the definition of open space per the Town Code? If so, then please refer to the Code section in the first instance.
6. The Project Description includes an extensive series of bullets to describe the project. To improve readability, please break up the bullets into sections with topic headings and convert to paragraph form. Please add a table that summarizes the numerical information about the new project (i.e. building sizes, wetland disturbance area, etc.).
7. Page I-8 refers to the Town of Southeast "donating" a net total of 36,505 SF of land and the Applicant donating a net 138,657 SF of land. Whether or not the Town land would be donated or paid for is being discussed by the Town Board. The FEIS should be revised to use a more general term in this location and elsewhere in the document.
8. Page I-10 refers to an outside contractor being used to clear snow. This sentence should specify where (i.e. on the project site or also Pugsley Road).
9. Figures I-2 and I-3 should include the zoning district boundaries and building sizes.
10. A more detailed site plan with dimensional (i.e. lot and bulk table, parking and loading table, etc.) should be provided as a figure (or figures if needed for legibility at reduced scale) in this section. All structures (including the water tank(s)) should be labeled.
11. The Interested Agency list on page I-15 should be updated to include the Hunters Glen Master Association.

POTENTIAL IMPACTS AND MITIGATION MEASURES

A. INTRODUCTION

1. The introduction is fairly repetitive to the summary provided in the Project Description. Where the information can be distilled numerically (i.e. limits of disturbance, building SF, etc.) please provide a comparative table that presents the DEIS project versus the FEIS project. In addition, please move technical information to the relevant technical section.

B. LAND USE AND ZONING

2. The discussion regarding economic benefits on page II-8 should refer to the analysis contained elsewhere.
3. A figure showing the extent of the ridgeline disturbance should be provided in this section. A cross section of the ridgeline that shows the extent of cut and fill for the FEIS project versus the DEIS project would aid the public's understanding of the changes.
4. This section should further explain how the proposed use fits within the Code definition of light manufacturing.
5. This section should be revised to include an analysis of the proposed project with the specific special permit criteria for light manufacturing.

C. TRAFFIC

6. The traffic discussion in this section is a brief summary of the analysis contained in the appendices and response to comments. Please refer to the traffic section below for AKRF's detailed comments.
7. Page II-10. Statement that begins "A substantial benefit of the proposed project will be shifts that are expected to be before peak commuting times..." should be revised. Employee shift times are not a project "benefit." Further, in previous discussions the Applicant preferred to not to commit to a specific shift time to avoid peak hour traffic.
8. Page II-12. Remove "more than" from the first full sentence on the page.

D. VISUAL RESOURCES

9. The FEIS should refer to site plan maps, figures and photo simulations within the text to help the reader visualize the changes being addressed. In this Chapter, it is important to include text references to the DEIS Site Plan and Preferred Alternative Plan maps (and include them), when referring to Building A and Building B to understand the changes that were made.
10. The FEIS should be revised to organize the paragraphs within this chapter to do the following: 1) Summarize what the Preferred Alternative Plan is proposing, 2) Summarize the changes from what was originally proposed in the DEIS, 3) When discussing these changes, focus on the visual impacts from sensitive locations studied: Nelson Boulevard, Drewville Road, NYS Route 6/Middle Ranch Reservoir, Hunter's Glen, and Tilly Foster Farm.
11. The FEIS should include elevations that show the color and heights of the proposed buildings.
12. The FEIS should include a night simulation or night rendering to show how the proposed site lighting will be dark sky compliant.
13. In cases where the proposed buildings are not seen due to distance, topography, vegetation screening, and in areas where it is difficult to demonstrate distance or topographical change through photographs, the FEIS may include 2D site sections to depict the proposed view.
14. DEIS versus FEIS site sections would be helpful to show how reducing the size and orientation of the building minimized its potential visibility.
15. "Town Planning Consultant" on page II-14 (and elsewhere in the FEIS where consultants are referenced) should be replaced with "the Planning Board or its designee."

E. SURFACE WATER AND WETLANDS

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

16. This section should include a figure that shows the DEIS versus FEIS limits of wetland disturbance.

F. GEOLOGY, SOILS AND TOPOGRAPHY

17. This section should include a figure that shows the DEIS versus FEIS limits of ridgeline and steep slopes disturbance.

G. GROUNDWATER

18. The proposed project has an estimated water demand of 10.9 gallons per minute (gpm). The pumping rate in the 1992 test that resulted in a drawdown of 29.5 feet in Ginsberg Development Corporation Well 3 was a cumulative 288 gpm. The pumping rate in the 2004 test was a cumulative 146 gpm. In light of the estimated water demand of 10.9 gpm compared to the data from previous pumping tests, AKRF agrees that a mitigation plan is not needed to address drawdown in or impacts to off-site wells.

H. VEGETATION AND WILDLIFE

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

19. This section should more fully describe the updated studies and their conclusions that were prepared for the FEIS.

I. TAX ANALYSIS

The Tax Analysis section did not include source material or back-up for much of the analysis. Specifically, the following additional material and information is needed to thoroughly review this section. In addition, the text needs to be more specific with its use of certain terms.

20. First paragraph:
 - a. What is meant by market value, does this refer to the assessed value that was used to develop a property tax estimate? Who conducted the valuation and how was it done? Additional detail on valuation methodology and data sources used would be helpful.
 - b. What are the assumptions that lead to the PILOT amount?
 - c. In the text it needs to be differentiated between property taxes and PILOT payments.
 - d. Needs to be more precise in terms the time frames the numbers refer to (i.e., 15 years, per year, average, etc.).
21. Second paragraph:
 - a. Current distribution ratio of payments to the town vs payments to the school district should be mentioned and total amount quantified.
 - b. The details on the budget analysis mentioned in this paragraph available should be included in the appendices.
 - c. Replace “per capita per employee” cost with “cost to the municipality per employee.”
 - d. Remove the word “easily” from the first line on page II-22.
22. Third paragraph (see also Response 10-50):
 - a. The text states ultimate property taxes paid in the amount of \$2,999,703. What does this number represent? It does not correspond to the table under Response10-3.
 - b. Also, it represents 2.5% of the total currently budget of approximately \$119.8 million not 3.14%.
23. Fourth paragraph: Need to clarify if output is total or annual.
24. Fifth paragraph:

- a. Describe how the operational input employment was developed, provide source and describe assumptions to clarify difference to applicant estimate.
- b. Also, the difference between the 551 employees during the main shift versus the 1,040 employees overall should be clarified.
- c. In the traffic section, the Gap and Matrix distribution centers were used as comparables for the purpose of estimating trip generation. How do 551 or 1,040 employees compare to similar operations (such as Gap and Matrix)?

25. Sixth paragraph:

- a. Is the job estimate (486) from the Applicant or is this an Implan output? If Implan, provide the back-up in the Appendices.
- b. Need to rephrase second sentence. "Of these construction jobs..."
- c. Need to reword third phrase. "Indirectly..."

J. COMMUNITY SERVICES

26. This section refers to a meeting held with the Brewster Fire Department. Minutes from that meeting and should be included in the appendices.

K. UTILITIES

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

27. Details on the water storage tank (size, color, location) should be provided.

L. CULTURAL RESOURCES

28. As discussed in the DEIS, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) provided a letter of No Effect, stating that the proposed project will have no effect on historic/cultural resources. AKRF has reviewed this material and has no substantive comments on this chapter.

M. NOISE

29. The specifications and operating practices referenced in this section should be requirements of site plan and special permit approval.

N. CONSTRUCTION

30. This section should be revised to address whether or not any blasting is anticipated. If blasting is anticipated, a description of the blasting protocol should be provided.

O. AIR QUALITY

31. This section should be updated to refer to the additional analysis that was required for the FEIS and the conclusions of that analysis.

P. HAZARDOUS MATERIALS

32. This section should be updated to refer to the additional analysis that was required for the FEIS and the conclusions of that analysis.
33. The tank removal and remediation reports confirm that the documented remedial efforts were completed consistent with industry standard and State requirements.

34. One of the CA Rich reports in the appendices included a review of a Phase II report and concluded that the Phase II did not indicate any release of contamination. However, this Phase II report was not included in the appendices and should be provided.
35. AKRF generally agrees with the Applicant's response that there would likely be no hazardous material impacts associated with the documented area and provided data. However, due to the historical use of the properties, AKRF recommends that a Soil Management Plan be prepared to document contingency procedures to address any unknowns (i.e. underground tanks, dry wells, contamination or additional dump areas) that may be encountered during redevelopment.

RESPONSE TO COMMENTS

INTRODUCTION AND COMMENT KEY

1. The organization of the comments and comment key is sufficient.

2. DESCRIPTION OF THE PROPOSED ACTION

2. This section should be updated per the "global" comments above. The phrase "In response to public comments, the Applicant..." is preferred for introducing project changes.
3. Terms such as "minimize" or "reduce" potential visibility are preferred to "invisible" or "obscure."
4. Response 2-2 would benefit from a table showing the before and after dimensional statistics from the DEIS to the FEIS.
5. This section references the analysis and conclusions of several other sections, any edits to the other sections should be carried through here.
6. Response 2-4 should specifically address the Applicant's reasons for not pursuing a hotel.
7. Response 2-5 should specifically address the de-mapping of Barrett Road.
8. The second sentence of Response 2-16 should be revised as follows: "The Hunters Glen Master Association" has been added as an interested party. Copies of all SEQRA notices will be mailed to the interested agencies or their designated representative. The SEQRA notice includes the website address where the complete document may be located, as well as where hard copies may be obtained."
9. Comments and Responses 2-3 and 2-18 should be merged.
10. The CBRE document referenced in Response 2-22 should be included in the appendices.

3. LAND USE AND ZONING

11. The bulk of Response 3-2 should be relocated to the land use section of Chapter II. This response should acknowledge that the Town Code does not currently permit "warehouse," as defined in the Town Code, in the OP-3 Zoning District, but does permit "light manufacturing" as a Special Permit use. It should then provide a brief summary of the reasons why the proposed use should be considered light manufacturing and then refer back to Chapter II.
12. Response 3-3 should be revised to describe the features of the proposed project that would preserve residential and rural characters, as opposed to stating that the warehouse/distribution facility use would "preserve Route 312's rural character."
13. Response 3-14 refers to the provisions of the stipulation of settlement. This response should be verified by the Town Attorney.
14. Response 3-21 should be revised to include additional information regarding the size, location, color, and visibility of the water tower.
15. Additional comments on this section are pending.

4. TRAFFIC

16. On page III.4-2, a footnote should be provided which provides a definition of the term “demand responsive signal timing” which could be clearly understood by a layperson.
17. The FEIS states in Response 4-24 that “The letter received from the Patterson EMS Administrator, included in Appendix 4, states that they are not opposed to the permanent closure of Fields Corner Road”. The referenced letter does not appear to be included in Appendix 4. Please verify and add to Appendix 4 if missing.
18. The relevant pages from the ITE Parking Generation Manual 5th Edition referenced to determine the average peak parking utilization provided in Response 4-10 should be provided in Appendix 4.
19. Additional edits to the responses to comments will be required pending revisions per the traffic comments below.

5. VISUAL RESOURCES

20. Response 5-1: Additional visual analyses from the specified locations have been prepared. This analysis should be relocated to Chapter II and Response 5-1 should refer to that section/page.
21. The second paragraph includes phrases such as, “consolidated” and “reduced in size,” however it does not include the exact square footage reduction, height reductions, or any programmatic changes that occurred from the DEIS plan to the Preferred Alternative Plan. This information should be included for context.
22. The Applicant states that the colors of the buildings will be “predominantly medium to dark green as well as grey colors,” and that the green colors will be “similar to natural green colors of vegetation.” It would help to include a rendering of the proposed buildings to get an idea of what these colors and shades may look like within the surrounding context, and how well they blend in.
23. The Applicant addresses the distance of the proposed development from the closest units at Hunters Glen, and from the closest units in Twin Brook Manor, however does not discuss any topographical differences. Site sections would be helpful for showing potential visibility.
24. Response 5-8 references a rendering of the proposed water tank (Figure III.5-18). However, this rendering was not included in the document. In addition, the location of the proposed water tank should be called out on the site plan figures, and additional screening provided as needed.
25. To improve readability, provide in-text references to photo simulations and photo renderings.
26. Response 5-32 should be updated to more directly respond to whether or not the project would be visible from the locations indicated. Additional photo-simulations or sections should be provided as needed to supplement this response.

6. SURFACE WATER AND WETLANDS

27. Response 6-1: Please provide NYCDEP watercourse map dated 5.9.18 signed/confirmed by DEP. Response does not identify/quantify any encroachments (disturbance) and/or increases of impervious surface in the DEP-regulated watercourse buffers. Please provide.
28. Response 6-2: Letter dated 3.11.18 from Town Wetland Consultant Stephen Coleman confirms wetland boundaries are flagged in accordance with Town Code Chapter 78. Regarding the federal wetland boundaries, we respectfully disagree with this response. The federal wetland delineation methodology (Y-87-1; ERDC/EL TR-12-1) requires documentation of wetland indicators through completion of data sheets at specific data points within the wetland investigation area(s).
29. Response 6-3: Response should answer this question more clearly/specifically as it applies to individual onsite wetland hydrologic budgets. The SWPPP Table 4 shows several drainage areas

changing in size. As an example, runoff from land to be used for proposed Building A which currently drains to Wetland 4 (NYSDEC LC-18) will instead be directed southwards to the detention basin system on the opposite side of the ridge and discharged to Wetland 6 (NYSDEC LC-28). Adverse effects of this and similar rerouting of surface water runoff area to the onsite wetlands should be described/disclosed/quantified.

30. Response 6-4: This comment applies to stormwater management, water quality treatment practices, erosion control measures, impacts to the drinking water of the NYCDEP watershed, potential hazardous surface water/groundwater contamination, and/or groundwater pumping/recharge. These comments/responses are referred to the Town Engineer for review.
31. Response 6-5: The letter dated 3.11.18 from Town Wetland Consultant Stephen Coleman is provided. Please provide (or direct the reader to the location in the FEIS) the signed wetland boundary validation drawing and any correspondence from the NYSDEC (Kelly McKean).
32. Response 6-6: Contrary to the intent of this comment, consolidation of buildings from 4 to 2 and their slight relocation to reduce ridgeline regrading has increased (not decreased) wetland adjacent area impacts as compared to the site plan presented in the DEIS. NYSDEC adjacent area impacts increased from 2.44 to 2.66 acres and Town adjacent area impacts increased from 5.37 to 5.79 acres. It is understood that a reduction in steep slope and ridgeline pushes the site plan to encroach on wetland buffers, provided there is no substantial reduction in building footprint/size. Additionally, if the provision of entrance turnaround lanes and security gates for queuing of large trucks cannot be provided without increasing wetland buffer impacts, then this reasoning is understood. Nevertheless, considering the increase in adjacent area impacts with the FEIS plan, additional explanation as to how/why wetland and wetland buffer impacts are avoided and minimized is necessary. Can this facility be designed and operated effectively with reduced wetland adjacent area encroachment? Please also indicate how much of this buffer disturbance acreage (Town/DEC) consists of impervious surface.
33. Response 6-7: The applicant proposes to provide 1.54 acres of wetland mitigation (restoration and habitat enhancement) and 13.0 acres of upland habitat planting/restoration to mitigate for the 0.05 acres of wetland loss and 8.45 acres of wetland buffer disturbance. Please indicate how much (acres), if any, of these two restoration areas is to be located within the project's proposed stormwater management basins and/or proposed septic leaching fields/expansion area. Planting of such necessary project amenities must be considered separately from project "mitigation".
34. The planting plans are being reviewed by a restoration/horticulture specialist and additional comments are anticipated. One concern is measuring the likelihood that the proposed habitat restoration will permanently restrict the recolonization of these mitigation areas by invasive species present beyond the limit-of-disturbance.
35. Response 6-8: Regarding avoidance and minimization of wetland and wetland buffer impacts to the maximum extent practicable. The Planning Board shall determine the extent to which wetland and buffer disturbance can be reduced further, with consideration given to the competing goals of habitat protection, traffic circulation and economic return.
36. Response 6-9 to 6-14: These comments apply to stormwater management, water quality treatment practices, erosion control measures, impacts to the drinking water of the NYCDEP watershed, potential hazardous surface water/groundwater contamination, and/or groundwater pumping/recharge. These comments/responses are referred to the Town Engineer for review.
37. Response 6-15: This response clarifies the acreage of wetland and Town/DEC wetland adjacent area (buffer). Figure III.6-1 presents the proposed wetland/buffer disturbance. The topography obscures the regions of buffer encroachment and should be revised to make these areas clearer. Any areas (and quantities) of new impervious surface in the wetland/buffers should be disclosed in this figure.

38. Response 6-16: Regarding provision of a no net-loss plan for wetland and wetland buffer impacts, this is a subject raised by numerous commenters that should be given careful consideration. Changes to vehicle circulation/parking or building design to reduce wetland buffer impacts and balancing impacts to steep slopes/ridgelines vs. wetland and wetland buffer impacts are the factors that the Town must consider.
39. The existing condition of the 1.54 acre portion of Wetland 4 to be enhanced (extent of degradation, extent to which its existing wetland functions/values are diminished) is a factor for the Planning Board and the Town Wetland Inspector to consider. Additionally, the extent to which the wetland mitigation plans will fully and appropriately offset project-related wetland impacts is a matter for the Planning Board's determination with input from the Town's Wetland Inspector. The comment is being reviewed by a restoration/horticulture specialist and additional comments are pending.
40. Response 6-17 and 6-18: The wetland mitigation planting plans have been provided to address this comment. The comment and plans are being reviewed by a restoration/horticulture specialist and additional comments are pending.
41. Response 6-19: This comment proposes that all stormwater management measures should be located outside of wetland buffers and their planting should not be counted as mitigation for buffer disturbance. Agreed. As discussed above under response 6-7, please distinguish between how much acreage is proposed for: planting of stormwater facilities and swales, planting on regraded areas to support the project's buildings/drives, planting of septic leach field areas versus dedicated upland enhancement planting and dedicated wetland enhancement planting. Provide notation on plans identifying the zones and acres that are exclusively dedicated habitat restoration planting areas.
42. Responses 6-20 to 6-21: These comments apply to stormwater management, water quality treatment practices, erosion control measures, impacts to the drinking water of the NYCDEP watershed, potential hazardous surface water/groundwater contamination, and/or groundwater pumping/recharge. These comments/responses are referred to the Town Engineer for review.
43. Responses 6-22: SWPPP revised to reflect 0.05 acres of wetland disturbance. Response is sufficient.
44. Response 6-23: SWPPP revised to reflect 8.45 acres of wetland buffer/adjacent area disturbance. Response is acceptable.
45. Response 6-24 to 6-26: These comments apply to stormwater management, water quality treatment practices, erosion control measures, impacts to the drinking water of the NYCDEP watershed, potential hazardous surface water/groundwater contamination, and/or groundwater pumping/recharge. These comments/responses are referred to the Town Engineer for review.
46. Response 6-27: This response referred to the Town Engineer for comment on the ability of the proposed SWPPP to effectively treat stormwater runoff and prevent discharge of sediment/pollutants to NYSDEC Wetland LC-28. We do note that treated stormwater will discharge from Building A to the lower reaches of LC-28 and, regrading of Pugsley Road will create the opportunity for roadway runoff to adversely impact LC-28. Although, most project-generated runoff will discharge west, to drainages that avoid LC-28.
47. Response 6-28: Review/analysis of the results of the completed groundwater pump tests and potential adverse impacts of the proposed project (from water use and reductions in infiltration capacity) to potentially-present bog turtle by affecting groundwater levels in NYSDEC Wetland LC-28 is being further reviewed. The proposed groundwater supply wells OW-3 and NW-4 (lots 4B and 4C) are located adjacent to Wetland LC-28. Additional comments and/or requests for information pending.

48. Response 6-29: As suggested in this comment, potential adverse impacts to Wetland LC-28 are a combination of predictable and unpredictable impacts – noise, traffic, increased runoff volumes discharged primarily downstream of LC-28, increased nutrient or other petroleum runoff pollutants due to incomplete removal in BMP's, spread of invasive plant/animal species that are a concomitant result of large development generally that can be minimized but not completely avoided, creation of breeding habitat “sinks” as is discussed in this comment, etc. Although the comment is answered, the potential for adverse impacts may be further reduced through a reduced project size or further consolidation (grouping) of the development footprint, as possible, to further minimize habitat fragmentation. Please indicate what how/if conservation easements or other mechanism is proposed to permanently restrict future development on undeveloped portions of the project site.
49. Response 6-30 to 6-31: These comments apply to impacts to the drinking water of the NYCDEP watershed and potential hazardous surface water/groundwater contamination. These comments/responses are referred to the Town Engineer for review.
50. Response 6-32: Wetland buffer encroachment by wetland identification number is provided.
51. Response 6-33: Habitat Restoration and Wetland Mitigation Plans are provided. Agreed with commenter that 8 acres of wetland buffer disturbance is significant, and speaks to the site's challenging ecological resources.
52. Responses 6-34 through 6-36 are being reviewed by a restoration/horticulture specialist and additional comments are pending.
53. Responses 6-37 through 6-40: These comments apply to stormwater management, water quality treatment practices, erosion control measures, impacts to the drinking water of the NYCDEP watershed, potential hazardous surface water/groundwater contamination, and/or groundwater pumping/recharge. These comments/responses are referred to the Town Engineer for review.
54. Response 6-41: The extent to which the current FEIS development site plan provides for avoidance, minimization, and mitigation of wetland impacts to the maximum extent practicable will be a matter for the Lead Agency/Planning Board to determine.
55. Response 6-42: Comment regarding the NYSDEC boundary needing updating and that a State permit required. Response sufficient. The commenter, NYSDEC, must determine adequacy of response and the site plan's conformity with the wetland protection goals of ECL Article 24: Freshwater Wetlands.
56. Response 6-43: NYSDEC notes that wetland and wetland adjacent area disturbances would be incompatible with the wetland and its functions, and may not be capable of meeting permit issuance standards. DEC recommends that all disturbances be eliminated that are not associated with the use or modification of existing features. DEC notes that Class I wetlands are afforded the highest protection – Wetland LC-18 (wetland 4) is a Class I wetland, LC-28 (wetland 6) is a Class II wetland.
57. Response 6-44: Applicant clarifies that no disturbance to the bed or banks of a NYSDEC-regulated stream is proposed. Response sufficient.
58. Response 6-45: Applicant clarifies that a Nationwide Permit is not possible for the project's wetland disturbance because the project site is within the NYCDEP Watershed. A Joint Application will be submitted to Corps/DEC for an Individual Permit. Response sufficient.
59. Response 6-46 and 6-49 through 6-73: These comments apply to stormwater management, water quality treatment practices, erosion control measures, impacts to the drinking water of the NYCDEP watershed, potential hazardous surface water/groundwater contamination, and/or groundwater pumping/recharge. These comments/responses are referred to the Town Engineer for review.

60. Response 6-47 is being reviewed by a restoration/horticulture specialist and additional comments are pending.

7. GEOLOGY, SOILS AND TOPOGRAPHY

61. Response 7-1: Agricultural District adjacent to the site is Tilly Foster Farm which contains community gardens, a culinary institute, restaurant, farm animals, etc. Project's indirect impacts from traffic/noise etc. are not described in this response.
62. Response 7-2: Reference should be provided here to a cut/fill figure and a proposed grading plan figure.
63. Response 7-3: The ability of the "skimmer dewatering device" to remove fine sediment that is a component of the particularly challenging Paxton soils is referred to the Town Engineer for review.
64. Response 7-4: The Planning Board will need to weigh the relative benefits/detriments of the revised site plan with respect to ridgeline and steep slope protection. The revised plan's resultant increase in wetland buffer disturbance may not be an acceptable trade-off for the comparatively modest reduction in development footprint within the uppermost elevations of the site. Further reduction in building size/development footprint may be considered to achieve this. To that end, justifications should be provided for the statement "the remaining size of the buildings in the Preferred Alternative Plan are the minimum necessary in order to attract tenants who would use such a facility." (p.III.7-4).
65. Response 7-5: Response sufficient – i.e. reduction in steep slope disturbance would necessitate additional impacts to wetland buffers, *provided the size/sf of the development remains unchanged*.
66. Response 7-6: This comment is referred to the Town Engineer for review.
67. Response 7-7: Regarding soil being inadequate for septic system and raising potential for groundwater contamination – this comment is referred to the Town Engineer for review.
68. Response 7-8: Regarding shallow existing groundwater elevation, therefore inadequate to treat stormwater runoff via infiltration practices – this comment is referred to the Town Engineer for review.

8. GROUNDWATER

69. The substance of the comments have been sufficiently addressed. However, responses should be revised to address the global comments noted above.

9. VEGETATION AND WILDLIFE

70. Additional habitat restoration necessary in upland portions of the site, will also limit future recolonization of the proposed restoration areas.
71. Response 9-1: Numerous commenters have noted the general lack of sufficient surveys for plants/animals including targeted surveys for state/federally listed species. Additional surveys conducted by resource specialists have not been undertaken. Instead, the Mid-Atlantic Center for Herpetology and Conservation (MACHAC) was retained to render an opinion regarding the potential suitability of the onsite habitat for rare reptile/amphibians. Firstly, please provide the MACHAC report which is indicated as "to come" in Appendix 9-2. Second, as indicated in the comments on the DEIS, additional plant/animal inventories are warranted to fully document existing natural resources that occupy the site considering its large acreage, presence of Class I wetlands, rare and potentially-present endangered/threatened species, and regionally uncommon successional agricultural fields.
72. A total of 92 acres would be "no build" as indicated in Figure I-4. Will the proposed "no build" areas be protected via conservation easement? Why not also include the undeveloped portions of Lot 1 and Lot 4A as "no build" areas for the benefit of natural resource protection?

73. Is “occasional meadow management” proposed as part of the long-term management of portions of the property as is recommended by MACHAC?
74. Response 9-2: Please explain how/if the Calhoun and Klemens 2002 vernal pool buffer conservation measures are followed. (i.e. protection of 0-100’ vernal pool envelope, 100-750’ critical terrestrial habitat for all Tier 1 or Tier 2 vernal pools).
75. Response 9-3: Regarding bog turtle conservation zones, Conservation Zone 1 consists of wetland 6 (LC-28) and the upper portion of wetland 4 (LC-18). Conservation Zone 2 includes all upland within 300 feet of these wetlands. In accordance with the USFWS Bog Turtle Recovery Plan (USFWS 2001) the 300 foot Zone 2 is not limited by the presence of existing roads. Restricted activities in this Zone which may indirectly adversely affect bog turtle include those that may change hydrology/groundwater recharge, introduction of exotic plants, pesticide application, clearing/grading that may affect the filtering of runoff, etc. Therefore, where the 300’ Zone 2 extends westwards from the boundary of wetland 6 it may approach and/or cross west of Pugsley Road. Vegetation clearing/regrading, pumping of groundwater, widening of and grading for Route 312 and Pugsley Road all appear to all be within 300’ of wetland 6. Please confirm the amount (acres/sf) and types of encroachment into the 300-foot bog turtle “Conservation Zone 2” surrounding wetland 6 and wetland 4. Proposed activities within the ½ mile bog turtle “Conservation Zone 3” that may adversely affect potentially-present bog turtle must also be provided.
76. Response 9-4: The applicant will abide by NLEB tree cutting prohibition season as clarified by NYSDEC. Response is sufficient.
77. Response 9-5: The applicant will abide by NLEB tree cutting prohibition season as clarified by NYSDEC. Response is sufficient.
78. Response 9-6: In accordance with Section 10 of the federal Endangered Species Act, the applicant is encouraged to consult with the USFWS at the earliest time feasible in the environmental review, so that incidental take is avoided and/or that an appropriate habitat conservation plan can be implemented. Coordination with USFWS will be required for the federal wetland permit necessary to implement the project. By consultation with USFWS now, the lead agency and applicant may benefit from the input of this resource agency during project development.
79. Response 90-7: Please distinguish (re-quantify as necessary and label on plans/figures) between the areas to be restored solely for the Wetland Mitigation/Habitat Restoration as opposed to areas required to be graded for berms, stormwater measures, septic fields, etc. The planting plans are for the entire project – and do not distinguish between project-related and additional habitat restoration areas. (Plans MP-1, MP-4, etc.)
80. Response 9-8: Regarding impacts to potentially-present Coopers hawk, eastern box turtle, and spotted turtle. Response refers to MACHAC report. Please provide this report.
81. Response 9-9: Commenter discusses the potential-presence of rare shrubland birds which speaks to the need for onsite plant/animal inventories.
82. Response 9-10: Impact figure III.9-1 has been updated to include entire areas of disturbance within the LOD. Response indicates excludes public ROW and within Barrett road. (Existing impervious? Acreage excluded?). See comment 9-11, below.
83. Response 9-11: Response indicates project will result in 89.6 acres of disturbance within OP-3 district, 25.1 acres of disturbance outside this district for a total of 114.7 acres of site disturbance. However, Figure III.9-1 indicates only 102.1 acres of disturbance “excluding disturbance in rights-of-way”. Please confirm that this 12.59 acre difference is entirely existing impervious surface (seems large quantity, aerial photos suggest 5+/- acres of existing impervious surface within the

portions of Pugsley/Field Corners Rd and Route 312 to be improved). Otherwise, provide updated calculations of disturbance to impervious and non-impervious land cover types.

84. Response 9-12: Regarding “dark sky” lighting plan, the measures proposed are appropriate, including low fixture height, activity sensors and timers, and shielding/downward directional lighting. Please also consider use of LED over sodium vapor or other lights, which have been recommended as being less attractive to insects and less impactful to bats.
85. Response 9-13: Multiple comments regarding habitat fragmentation and impacts to wildlife. Fragmentation effects to specific plant/animal species are not addressed specifically by this response. Due to the amount of clearing and grading required, the project will cause some substantial habitat loss (conversion to impervious or developed amenities) and fragmentation which will reduce overall vegetation cover and reduce or eliminate use of the site by potentially-present rare species of plants and animals. Mitigation is offered to lessen these impacts. The significance of these impacts and the adequacy of the project sponsor’s modifications/mitigation is a matter for the Lead Agency to consider.
86. Response 9-14: Proposed tree-cutting period is now revised, conforms with DEC guidance to avoid incidental take to northern long-eared bat. Response is sufficient.
87. Response 9-15: Regarding bog turtle habitat impacts – see comment 9-3 above.
88. Response 9-16: Regarding NLEB, bog turtle and red maple trees. Response sufficient – refers to 9-3, 9-4, and 9-9.
89. Response 9-17: Regarding bald eagle – the project site is roughly ½ mile from the Middle Branch Reservoir Inlet, where bald eagle sightings are known to occur, including as recently as January 2019 (eBird, Cornell Lab of Ornithology). At the time of construction, the NYSDEC should be contacted again regarding the latest eagle nesting activity in proximity to the project site so that the guidance contained in National Bald Eagle Management Guidelines (USFWS 2007) and Conservation Plan for Bald Eagles in New York (NYSDEC 2016) may be followed, if necessary at that time. Construction activity within 1 mile of a documented eagle nest must comply with this guidance, as applicable, under NYS Endangered Species law and the federal Bald and Golden Eagle Protection Act, in coordination/communication with the USFWS and NYSDEC.
90. Response 9-18: Silt fencing is proposed to exclude wildlife, which is an appropriate measure provided it is properly seated/installed and inspected during construction. Impact avoidance must also include search efforts to relocate reptiles/amphibians outside of the fenced-in exclusion areas during the appropriate season(s) prior to all land clearing/grading.
91. Response 9-19: Comment includes recommendation that the applicant contact USFWS early in planning for project. Agreed. See Response 9-6, above, regarding project-coordination with the USFWS on potentially-present federally listed species that may occur in the project site area according to correspondence from the USFWS (9.13.17), including Indiana bat, northern long-eared bat, and bog turtle.
92. Response 9-20: General concerns about wildlife impacts. Response is sufficient.
93. Response 9-21: Comment regarding how vegetative waste be removed, must show location of disposal/stockpile of debris, on drawing, including invasive A. olive, a “prohibited” invasive species per NYSDEC. Must be addressed in Erosion Control Plan. Response indicates vegetative material will be ground/chipped onsite to be composted at an off-site location for composting. Handling of invasive vegetative material is a critical aspect of mitigation that must be reviewed/monitored to assure success. These measures must be included the Erosion Control Plans. This comment/response is being reviewed by a restoration/horticulture specialist and additional comments are pending.

94. Response 9-22 should be adjusted to acknowledge that some wooded buffer of wetland LC-28 *would be* removed for roadway improvement and that groundwater withdrawal at two wells sites adjacent to this wetland will service the project's water supply needs.
95. Response 9-23: Roads will be improved by the project. Therefore, wildlife movement tunnels/culverts/curbing should be included to prevent increased wildlife mortality from additional truck/car traffic resulting from the project. Large box culverts that include sufficient upland/dry ground for wildlife passage during 1-year/bankfull storm are recommended, at Barrett Road improvement, Pugsley Road improvement, and Route 312 improvement areas.
96. Response 9-24: As noted by several commenters, without onsite species surveys the presence/absence of Atlantic coast leopard frog is unknown. More comprehensive species surveys for plants/animals and targeted species surveys for suspected State/Federally listed or rare species are warranted to fully document ecological conditions and potential impacts.
97. Response 9-25: Response should describe what measures may be implemented to mitigate spread of Japanese knotweed from the Town log dump into LC-28, either on the applicant's property or in coordination with the Town in its property. Comment speaks to the need to think broadly to ensure that any habitat restoration is successful and not rapidly (ultimately) colonized by areas of invasive plant within unimproved portions of the project site or offsite. This comment/response is being reviewed by a restoration/horticulture specialist and additional comments are pending.
98. Response 9-26: The ability of the projects erosion control measure to prevent siltation of onsite/offsite wetlands is referred to the Town Engineer, including methods to ensure proper oversight/monitoring by the sponsor and Town staff (or their representatives) on a frequent basis to ensure no adverse impacts to waters/wetlands.
99. Response 9-27: General wildlife/ridgeline comment. Response sufficient. As with other comments, public concerns speak to the importance of providing additional measures or project modifications as feasible to address these concerns.
100. Response 9-28: Vermin control measures/commitments should be described in greater detail (none proposed at present), especially as they relate to the disposal of waste in temporary garbage bins, etc. Improper waste management can be a substantial detriment to resident wildlife populations (encourage overabundance of synanthropic species) and result in adverse ecological impacts.
101. Responses 9-29 and 9-30– Tree cutting seasonal restriction (prohibition) shall be April 1 to October 31 as required by NYSDEC/USFWS. Response appropriate.
102. Response 9-31: The ability of the Wetland Mitigation/Habitat Restoration Plans to reduce impacts to habitat connectivity long-term is being reviewed by a restoration/horticulture specialist and additional comments are pending. Such impacts cannot be eliminated due to the development of 115 acres of land. Centered site plans that maximize undeveloped land in large contiguous parcel is the goal when retaining habitat connectivity. The extent to which the FEIS site plans maximize habitat connectivity is a subject for the Lead Agency to review.
103. Response 9-32: NYSDEC requests bog turtle habitat assessment, completed by MACHAC but report not provided. Please provide report.
104. Response 9-33: NYSDEC asks for double silt fence around wetland 6 and working in winter when bog turtles hibernating. Response refers the reader to 9-18, however these specific measures are not discussed in that response.
105. Response 9-34: NYSDEC requests seed mix details. Comment/response is being reviewed by a restoration/horticulture specialist and additional comments are pending.

106. Response 9-35: This comment/response should refer to NYSDEC's determination that the need for an incidental take permit can be avoided if the cutting of trees occurs within the specified winter months. Any cutting of summer roosting habitat used by the NLEB outside of that window would require an incidental take permit.

10. TAX ANALYSIS

107. Introduction and Response 10-14
- a. The "local tax expert" should be identified and their analysis provided in the appendices.
 - b. Regarding the property valuation, a document that outlines the valuation methodology and data sources (i.e., comparables, CAP rate examples used, etc.) should be provided.
108. Response 10-2
- a. More detail on the level of service analysis mentioned in first sentence of the second paragraph should be provided.
 - b. In the third paragraph an average is developed using the average share of non-residential properties and the share of non-residential assessed value. We realize that this is a practice sometimes applied but recommend using only the share of the assessed value.
109. Responses 10-3 and 10-14
- a. More detailed information on how the PILOT was structured should be provided. Tables that are part of the response to this comment provide only absolute numbers but do not describe the rationale for how PILOT distribution was developed.
 - b. We recommend to differentiate between "PILOT payments" and "property taxes". Referring to PILOT payments as property taxes is misleading.
110. Response 10-4, second paragraph: Please specify which employment estimate was used to calculate economic impacts. There are currently three employment numbers mentioned, i.e., 551, 665, and 1040. Table in Response 10-5 and 10-6 indicate the number would be 551.
111. Response 10-4 and 10-6: Construction costs identified in the previous response (Response 10-4) list \$22.5 million and \$42 million as construction costs (total of \$64.5 million) while in the current response \$64.8 million are stated.
112. Response 10-7: Cite federal government source for warehouse employment and specify what the ratio entails, e.g., per square foot ratio or shift specific estimate, etc.
113. Response 10-16: Since the GAP facility is mentioned it would be helpful to also include other information on the facility such as valuation, employment generation, etc.
114. Response 10-32: Should specify that the result refers to post PILOT conditions.
115. Response 10-42: Response should source assumptions for school children generation (i.e., 1 per household) and per student cost assumption (\$30,000 per student and year).
116. Response 10-50 (same as in tax analysis summary): Ultimate property taxes paid in the amount of \$2,999,703. How was this number determined? It does not correspond to the table under Response 10-3. Also, it represents 2.5% of the total currently budget of approximately \$119.8 million not 3.1%.

11. COMMUNITY SERVICES

117. Minutes from the meeting referenced in Response 11-8 should be included in the appendices.

118. Additional edits to this section may be required to reflect changes/additional information requested in the Tax Analysis and Traffic sections.

12. UTILITIES

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

119. Responses should be revised to address the global comments noted above.

13. CULTURAL RESOURCES

120. The substance of the comments have been sufficiently addressed. However, responses should be revised to address the global comments noted above.

14. NOISE

121. The substance of the comments have been sufficiently addressed. However, responses should be revised to address the global comments noted above.

122. Response 14-4 has an erroneous comment that should be deleted.

15. CONSTRUCTION

123. The substance of the comments have been sufficiently addressed. However, responses should be revised to address the global comments noted above.

16. AIR QUALITY

124. The substance of the comments have been sufficiently addressed. However, responses should be revised to address the global comments noted above.

17. HAZARDOUS MATERIALS

125. The substance of the comments have been sufficiently addressed. However, responses should be revised to address the global comments noted above.

18. ALTERNATIVES

126. The substance of the comments have been sufficiently addressed. However, responses should be revised to address the global comments noted above.

19. ADVERSE ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED

127. There were no comments/responses in this section.

20. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

128. There were no comments/responses in this section.

21. GROWTH INDUCING IMPACTS OF THE PROPOSED ACTION

129. There were no comments/responses in this section.

22. EFFECTS ON THE USE AND CONSERVATION OF ENERGY

130. There were no comments/responses in this section.

TRAFFIC COMMENTS

1. Trip Generation

- a. In Table 4-6 (“Other Development Volumes”), for development b. (Prospect Hill Office Park) the fitted curve equation should be utilized instead of the average rate for the AM peak hour. Utilizing the fitted curve equation would increase the number of trips from 23 to 45.

2. On-Site Circulation

- a. In addition to the truck turning plans provided in Part I of Appendix 4.A, truck turning plans should be provided for the design vehicle (largest vehicle accessing the site) showing turns to/from the State and Town roadways including at the intersection of Route 312 and Pugsley Road and at both of the driveways connecting to Pugsley Road. An overall truck turning plan of the whole site (to supplement the truck turning plans for individual areas) should also be provided to show full continuous ingress/egress patterns for trucks between Route 312 and the project site.
- b. For the central island for both of the truck turnaround circles shown on Sheet C-101, please indicate whether these will be striped, raised, or mountable curb. It is advised that at a minimum the central island be hatched to clearly define the driving path for trucks.
- c. The truck turnaround configuration at the southernmost driveway should be reconfigured similar to that for the northern driveway. At the southern driveway there are several potential conflict points between the vehicle paths of trucks and employee vehicles whereas at the northern driveway, vehicles would not need to cross paths. A turning analysis should be provided to depict the intended use of the truck turn around area and to demonstrate that vehicle conflicts would be minimized.
- d. On sheet C-103 an accessible crosswalk should be provided at either end of each parking area.

3. Safety

- a. A sight distance analysis should be provided for the proposed improved Route 312 & Pugsley Road intersection configurations.

4. Traffic Capacity Analysis/Synchro Analysis

- a. For Intersection 5 (Rt. 312 & I-84 Eastbound Ramps) in the 2023 Build Alternative without Crossroads 312 AM Peak Hour Synchro model, the southbound right turn overlap is missing from the Synchro timing coding. Please verify and correct as needed.
- b. For Intersection 6 (Rt. 312 & I-84 Westbound Ramps) in the 2023 No Build, Build, Sensitivity Analysis Build, and Anticipated Analysis Build Synchro models, no red time is coded for the left turn phases. Please verify and correct as needed.
- c. Some of the conditions analyzed are not presented in the LOS tables. For example the results of the “2023-BD-AM-IMP-SIGNAL-A”, “2023-BD-PM-IMP-SIGNAL-A” and “2023-BD-SAT-IMP-SIGNAL-A” synchro files for Intersection 7 are not presented in Table 4-11. All locations and conditions should be reviewed to ensure that their results are presented in the LOS tables.

5. Queuing

- a. There are locations where multiple improvement scenarios are presented. While one scenario may improve delays, the other may result in increased queuing. For locations with multiple proposed improvements, a comparison summary of queuing conditions between the different improvement scenarios should be provided. For example, at intersection 3 during the PM peak hour, the westbound 312 through movement exceed storage for the Alternative A signal improvements but not for the Alternative B signal improvements under all Build scenarios.

6. Proposed Intersection/Roadway Improvements

- a. Not all No Build improvements proposed to be implemented by Crossroads would be picked up by NYSDOT in the absence of Crossroads (e.g. No Turn on Red signs). Therefore, the Town may require the applicant to implement these improvements.

- b. If NYSDOT does not implement the (No Build) improvements by the completion date of this project, the Town may require the applicant to implement these improvements since credit was taken for the implementation of the Crossroads and/or NYSDOT improvements in the analysis.
 - c. There are discrepancies between the list of improvements presented in Table 4-17 “Conceptual Improvements” and the improvements coded into the corresponding Synchro models which should be checked for consistency. These discrepancies are as follows:
 - The 2023 No Build Improvements listed for intersection 6 (Rt. 312 & I-84 WB Ramps/Crossroads 312 Driveway) to be implemented by Crossroads 312 do not include the changing of the existing southbound (westbound 312) right turn pocket to a full-length shared through/right turn lane (as coded in the Synchro files) that extends back to Intersection 7 (Rt. 312 & International Boulevard/Crossroads 312 Driveway).
 - The 2023 No Build Improvements listed for intersection 7 (Rt. 312 & International Boulevard/Crossroads 312 Driveway) to be implemented by Crossroads 312 do not include the changing of the existing eastbound International Boulevard lane configuration from a shared left/through lane and right turn lane to a left turn lane and shared through/right turn lane (as coded in the Synchro files).
 - d. For intersection 5 (Rt. 312 & I-84 EB Ramps) the recommended Crossroads Signal Timings are different from the recommended NYSDOT timings. The FEIS should outline the reasoning behind the development of each set of recommended timings and why they may differ.
7. NYSDOT comments
- a. If the applicant does not want to include the full buildout as part of the SEQ process that will be acceptable to NYSDOT, however, NYSDOT will require the applicant to study the full buildout as part of the highway work permit process. NYSDOT will allow the phasing of mitigations, with appropriate controls, so that the applicant is not tasked with building any mitigations in excess of the “fair share” contribution. (AKRF recommends that this be done as part of the FEIS).
 - b. NYSDOT would like to see something in writing from the town that would fix the land use to the most applicable ITE land use code to be used in the TIS. In addition to this, NYSDOT would also like to see something in writing from the town that if the land use is changed that the owner is required to come back to NYSDOT for re-analysis and potentially mitigation if warranted. The applicant should provide NYSDOT the requested information. These documents should first be provided to the Town for review and comment.
 - c. NYSDOT would like the Applicant to re-submit the signal warrant analysis based on the lower ITE Trip Generation 10th Edition numbers. The validity of the previously submitted signal warrant analysis is questionable as it is based in the larger development size with the higher 9th edition trip generation numbers.
8. Site Plan comments
- a. On Sheet C-105 the signal pole locations as depicted do not appear to meet the MUTCD requirements for sight distance to signal faces.
 - b. The locations of the proposed vehicle height clearance bars should be shown on the site plan. Additionally, drawings which provide a depiction of how the clearance bars would look along with dimensions should be provided.
9. Rt. 312 Overpass over I-84

- a. AKRF will reach out to NYSDOT to obtain their opinion on if the Rt. 312 bridge overpass over I-84 is structurally adequate to support the anticipated additional load from the increased number of trucks utilizing the overpass.

10. Special Dimension Vehicle Access Highway Designation

- a. Figure SDVAH-1 shows the limit of the 1 mile distance from the farthest interchange ramp and the proposed Pugsley Road Special Dimension Vehicle Access Highway. Correspondence from DOT demonstrating that the extension of the Pugsley Road Special Dimension Vehicle Access Highway has been approved should be provided.