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October 20, 2020

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REPLY TO:

Tarrytown office

Honorable Chairman Tom LaPerch  
and Members of the Planning Board  
Town of Southeast  
1 Main Street  
Brewster, New York 10509

RE: Comments to Commercial Campus at Fields Corners f/k/a Northeast Interstate  
Logistics Center proposal by  
Hunters Glen Master Association

Dear Hon. Chairman LaPerch and  
Members of the Planning Board:

We are the attorneys for Hunters Glen Master Association ("Hunters Glen") and write to provide comments to the latest proposal in connection with the above captioned matter.

As you may be aware Hunters Glen is a condominium community with 382 homes and approximately **1100 residents** of the Town of Southeast. Hunters Glen directly abuts the proposed development. In fact, numerous residences and its water supply lands are in extremely close proximity to the west of the proposal. As such, Hunters Glen has a significant interest in the thorough review of the proposed development and is opposed to the project in its current form.

We have reviewed the latest plan and offer the following comments and raise the following questions:

1. No-Build Zone: Hunters Glen would like the following issues resolved regarding the no build zone:
  - a. The no build zone should be left entirely in its natural state. No use or structures whatsoever.
  - b. The no build zone should be expanded to include the area of the stormwater management practices. It might be easier to create a second defined area that allows only the proposed stormwater management practices.

- c. Covenants and Restrictions should be prepared by the developer subject to our review prior to Town approvals. The C&Rs must provide that Hunters Glen shall be entitled to enforce same.
  - d. C&R's must be recorded prior to issuance of a building permit.
2. Water usage: the developer has indicated that there will be no impact to the Hunters Glen water supply. We request the right to receive a copy of the development's water testing results and usage results upon reasonable request. Our intention is that if in the future Hunters Glen should have a problem that it will be able to review the records so that Hunters Glen may immediately determine if the development is the source of any such impacts.
  3. Lighting: We request a restriction that there shall be no lit signage facing Hunters Glen or visible from Hunters Glen.
  4. Height: We request a restriction on the height of the building and the height of any roof mounted equipment to only that which is proposed at this time.
  5. Color: We request a restriction limiting the colors to those proposed to ensure only natural landscape colors are used now and in the future.
  6. Roof top equipment: We request a condition that any roof top equipment be enclosed and screened.
  7. Noise: We request a restriction that noise from the development shall not at any time exceed the current ambient noise levels at the Hunters Glen property line. We request a testing report to establish the current levels to be used as the base line. We request a mechanism be put in place to repair or baffle any future noise generating source that results in the noise exceeding the ambient levels established at the Hunters Glen property line.
  8. Extermination: Hunters Glen is concerned that the construction impacts will result in vermin infesting Hunters Glen given the nature of the property. We request that a bond be posted and a process put in place whereby if Hunters Glen experiences vermin that the developer will immediately retain an exterminator to rectify the situation, or Hunters Glen may use the bond to do so itself.
  9. Blasting and Chipping: Is any blasting or chipping required? If so we request a blasting plan to be required before the issuance of a building permit, including a full survey of the Hunters Glen development. All necessary bonds should be in place in the event any damage is caused.
  10. Hours of Construction and Operations: Please provide the hours and days of construction, construction timeline and hours of operation. Conditions of approval should be put in place to enforce these timeframes.
    - a. The hours of construction (7:00 am to 8:00 pm on weekdays and 9:00 am to 5:00 pm on Saturdays) are unacceptable.
    - b. Given the massive size of the development and the proximity to residences we urge that work that would entail any use of construction vehicles, blasting or chipping, or other work that would increase noise at the Hunters Glen property line be limited from 9:00 am to 5:00 pm on weekdays, and prohibited on holidays and weekends.
  11. Compliance Statements and Special Permit Renewal: We request annual compliance statements be required related to various conditions of approval such as

lighting, noise, traffic, landscaping maintenance, and all other conditions of the Town approvals and that any permits be renewed every 2 years.

12. Landscaping:

- a. We believe additional on-site landscaping and a berm should be located between the development and Hunters Glen similar to the proposal buffering Twin Brooks. We note that the visual analysis did not include Buttonwood Lane. On-site landscaping should address views from Buttonwood Lane as this is the closest point to Hunters Glen and the narrowest portion of the no build area.
- b. We request a cash fund for Hunters Glen to use in its sole discretion to retain a landscape architect and install landscaping on the Hunter's Glen property. The developer will have no responsibility to design, install or maintain this landscaping. We believe the offer in the FEIS to place 50 trees on the 2 condominium properties is insufficient.

We trust that the Town, its consultants and staff, and other Involved and Interested Agencies will also be addressing these and other issues so that any Town Approvals contain the necessary safeguards to ensure that the project is developed and maintained in accordance with the approved plans.

Thank you for your consideration.

Respectfully submitted,  
Snyder & Snyder, LLP

By:   
Robert D. Gaudio

RDG/dac

cc: Town Board  
Hunters Glen

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