



Environmental, Planning, and Engineering Consultants

34 South Broadway
Suite 401
White Plains, NY 10601
tel: 914 949-7336
fax: 914 949-7559
www.akrf.com

Memorandum

To: Town of Southeast Planning Board
From: Ashley Ley, AICP
Date: August 3, 2021
Re: ProSwing-Pugsley (Brewster Yards)
cc: Insite Engineering, Surveying & Landscape Architecture, P.C.

AKRF, Inc. has reviewed the following documents and plans for the above referenced application:

- Letter from John M. Watson, P.E., to Chairman LaPerch and members of the Planning Board, dated July 6, 2021
- Civil Drawings (6 sheets), prepared by Insite Engineering, dated July 6, 2021
- Architecture Drawings (4 sheets), prepared by KG+D Architects, dated July 1, 2021
- Figure A (aerial), prepared by Insite Engineering, dated July 6, 2021
- Town of Southeast Application Form, dated June 29, 2021
- Site Plan Application Checklist
- Full EAF, dated July 1, 2021
- List of Adjoining Property Owners
- Statement of Use, dated July 6, 2021
- Draft Scoping Document for DEIS, dated June 21, 2021

PROJECT DESCRIPTION

ProSwing Sports Realty, Inc. (the “Applicant”) proposes to construct a commercial recreation complex to include a 34,855-square foot recreation building, various smaller concession/restroom and maintenance buildings of 3,600 square feet or less each, nine synthetic turf fenced and lighted baseball fields with amenities, one synthetic turf multi-sport field, and associated utilities including two or more wells, a septic system, and stormwater management areas (the “Project”) on a +/- 82-acre property located at 160 and 132 Pugsley Road (the “Project Site”) within the RC Zoning District in the Town of Southeast (**Tax Map ID 45.-1-10 and 11**). A portion of the Project Site is located within the Ridgeline Overlay District. As part of the Project, a portion of Barrett Road/Zimmer Road on the east side of Pugsley Road would be widened, all of which are Town owned roads.

The Project Site is owned by the Town of Southeast. In 2020, the New York State Legislature authorized the alienation of parkland for the purpose of a land swap between the Applicant and the Town, which would

enable the development of the Project on the Pugsley road site in accordance with local zoning. As part of the Project, existing parcels 45.-1-10 (“Lot 10”) and 45.-1-11 (“Lot 11”) would be subdivided to reduce the overall lot size from 153.5 acres to 81.8 acres. Lot 10 would be reduced in size from 93 acres to 66.2 acres and Lot 11 would be reduced from 60.5 acres to 15.6 acres. The balance of the land would be retained by the Town. The Project would disturb approximately 46.6 acres, including 4.6 acres of Town of Southeast wetland buffer/controlled area. State wetland adjacent areas and an unnamed pond are located on-site. The proposed project requires the following approvals:

Town Board

- Approval of a land swap (transfer of ownership) of the subject land from Town to private ownership in fulfillment of prior approval of a Home Rule resolution adopted by the Town

Planning Board

- Subdivision approval
- Site Plan and Wetland Permit approval

Zoning Board of Appeals

- Area variance for Lot 10 as follows:
 - Environmental Conservation Buffer: 24 feet is provided where 50 feet is required.
 - Minimum Front Parking Setback: 35.7 feet is provided where 100 feet is required.
- Area variance for Lot 11 as follows:
 - Minimum Front Yard Setback: 50.4 feet is provided where 100 feet is required. This is not currently marked on Drawing OP-1 as a requested variance.
 - Environmental Conservation Buffer: 30 feet is provided where 50 feet is required.
 - Minimum Front Parking Setback: 49.3 feet is provided where 100 feet is required.

COMMENTS

1. A Sketch Subdivision Plat should be provided and should meet the requirements as provided in §123-29. Specifically, the following information does not appear to have been included on the drawings submitted:
 - a. Per §123-29.G, the sketch plan should include soil types and approximate soil boundaries.
 - b. Per §123-29.H, “all areas where the ground slope is greater than 15% but less than 25% and all areas where the ground slope equals or exceeds 25%, with each of the two slope areas so classified to be shown as distinctly different shaded or cross-hatched areas.”
2. The environmental conservation buffer should be shown on the drawings so that it is clear where the minimum requirements would not be met.
3. A portion of the Project Site is located within the Town of Southeast Ridgeline Overlay District. However, the majority would be subdivided off and retained by the Town. Only a small portion would remain within 100-foot rear yard setback on Lot 10.
4. The Proposed Project would impact wetlands and watercourses as follows:
 - a. Lot 10:
 - i. A corner of the synthetic turf multi-sport field and the associated retaining wall would encroach into the 166-foot Town of Southeast Wetland Controlled Area.

- ii. Approximately half of the parking lot associated with the main building, along with the western-most entrance from Zimmer Road and associated welcome sign, would encroach into either the 166-foot or 200-foot Town of Southeast Wetland Controlled Area.
 - iii. A portion of the stormwater detention basin adjacent to the western-most entrance from Zimmer Road would encroach into the 166-foot Town of Southeast Wetland Controlled Area; and an associated drainage line would cross through this Controlled Area.
 - iv. A portion of the sewer main would cross through the 200-foot Town of Southeast Wetland Controlled Area.
 - v. A directional-drilled sewer force main would cross through the 100-foot Town of Southeast Watercourse Controlled Area and NYCDEP 100-foot Watercourse Limiting Distance.
- b. Lot 11:
- i. The majority of the access road along with a portion of the concessions/restroom/pro shop building, a portion of the bleacher seats and associated retaining wall, a corner of the batting cages, and a small corner of the synthetic turf showcase baseball field would encroach into the 200-foot Town of Southeast Wetland Controlled Area.
 - ii. Portions of the two stormwater basins would encroach into the 200-foot Town of Southeast Wetland Controlled Area and/or the 133-foot Town of Southeast Wetland Controlled Area, as well as the NYCDEP 100-foot Limiting Distance.
 - iii. A drainage line running from Zimmer Road to the northern-most stormwater basin would cross through the 200-foot Town of Southeast Wetland Controlled Area, with a portion of it crossing the NYSDEC 100-foot Wetland Adjacent Area and the NYCDEP 100-foot Limiting Distance.
5. The EAF identified the potential presences of the northern long-eared bat, a threatened or endangered species. Tree clearing should be conducted between November 1 and March 31 for protection of northern long-eared bat will likely be required.
 6. The parking calculations provided on Drawing OP-1 cite §145-38(3)(a). This should be updated to cite §138-67.G. The “Recreation in Building” calculation should be updated to state “31,235 sf Recreation” instead of “31,235 sf Bedrooms.”
 7. Full EAF Item D.1.d states the proposed action does not include a subdivision. This should be marked as “yes” and the follow-up questions should be answered.
 8. Full EAF Item D.2.r. states the project will not involve or require the management or disposal of solid waste. This question should be marked as "yes" and the follow-up questions should be answered.
 9. The Project is a Type I Action under SEQRA per § 617.4(b)(6). Given the scale of the Project, the Applicant is anticipating a Positive Declaration and has provided a Draft Scoping Document. AKRF will provide comments on the Draft Scoping Document in advance of the Public Scoping Period. To facilitate public input and review of the Draft Scoping Document it can be posted on the Town’s website.

RECOMMENDED ACTIONS

At the August 9, 2021, meeting, AKRF recommends that the Planning Board declare Intent of be Lead Agency for this Type I Action under SEQRA, classify the Project as a Major Project and Major Subdivision, and refer the Application to Putnam County per 239-m and -n and the Town of Patterson.

Following the 30-day circulation, the Planning Board may declare Lead Agency on September 13, 2021. At the September 13, 2021 meeting, the Planning Board may issue a Positive Declaration and schedule a public scoping session September 27, 2021. A Final Scoping Document could be considered for adoption on October 11, 2021. The Applicant would then prepare a Draft Environmental Impact Statement (DEIS) in accordance with the requirements of the Final Scoping Document.