



Environmental and Planning Consultants

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Memorandum

To: Supervisor Tony Hay and Members of the Town Board
From: Graham Trelstad, AICP and Ashley Ley, AICP
Date: June 4, 2012
Re: Crossroads 312
cc: Tom LaPerch, Victoria Desidero, Tom Fenton, and Stephen Coleman

This memorandum summarizes the status of the proposed Crossroads 312 project and outlines a proposed process for conducting the State Environmental Quality Review Act (SEQRA), Zoning Amendment, Special Permit, and Site Plan reviews.

SUBMISSIONS & ACTIONS TO DATE:

January 2009 – Crossroads 312, LLC, (“Applicant”) initiated discussions with the Town of Southeast.

January 26, 2009 and March 17, 2009 – Meetings held with representatives of the Town Board and Applicant to discuss different planning and zoning approaches to the site.

June 30, 2009 – Applicant filed a “Zone Change Petition” to create a new “Focused Highway Commercial (HC-1A)” Zoning District that would apply to this site and would allow for the proposed development.

August 13, 2009 – Town Board circulated a Notice of Intent to Serve as Lead Agency under SEQRA.

September 24, 2009 – Town Board declared itself the Lead Agency, identified the project as a Type 1 action under SEQRA, issued a Positive Declaration (requiring an EIS), and scheduled a public scoping session for the EIS.

October 5, 2009 – Applicant submitted a set of applications for Special Permit, Site Plan, and Wetland Permit to the Town Board.

October 8, 2009 – Public scoping session held as a “Joint Meeting” of the Town Board and Planning Board.

October 19, 2009 – Close of written comment period on draft scope.

November 11, 2009 – Town Board adopted a Final Scope.

April 11, 2010 – Applicant conducted balloon test with members of the Town Board, Planning Board, ARB, AKRF, and public present to witness the test.

May 15, 2012 – Preliminary DEIS (“pDEIS”) submitted for completeness review.

PROPOSED REVIEW PROCESS

COMPLETENESS REVIEW

AKRF will review the document for “completeness” (does the document match what the Final Scope required and is the information sufficient for public review). However, the Town Board, as Lead Agency, is responsible for making the final determination of completeness. The Planning Board may be engaged in discussion of the completeness of the pDEIS, as long as there is a record of meaningful discussion and deliberation of the document by the Town Board. This record can be established through Town Board work-session meetings and meetings of a special committee that might include members of both the Planning Board and Town Board. For purposes of transparency, any special committee meetings should be noticed as public meetings.

Timeframe

Pursuant to SEQRA, the Town Board has **45 days** to determine whether the pDEIS is adequate for public review in terms of scope and content. If the Town Board decides that the pDEIS is not adequate, it returns the document to the applicant with a written identification of the deficiencies. The lead agency has **30 days** to determine the adequacy of a resubmitted pDEIS. The time between each completeness review is dependent upon the Applicant and their consultants.

Once the Town Board determines that the pDEIS is adequate, it issues a Notice of Completion of a DEIS.

PUBLIC COMMENT PERIOD

Following a Notice of Completion, a public hearing on the DEIS (and possibly a joint public hearing on the Zoning Amendment, site plan, and Special Permit) would be scheduled and conducted by the Town Board. This public hearing could be scheduled as a special meeting of the Town Board and not conducted on a night of a regular meeting. This meeting could also be noticed as a Joint Meeting of the Town Board and Planning Board; but it must be clear that the Town Board conducts the meeting in fulfillment of its obligations as Lead Agency.

Timeframe

The public comment period must be a minimum of 30 days, during which all concerned parties are encouraged to offer their comments to the Lead Agency. The comment period may be extended if the Lead Agency determines that extra time is necessary. The public comment period must continue at least 10 days following the close of a public hearing.

FINAL ENVIRONMENTAL IMPACT STATEMENT

A Final Environmental Impact Statement (“FEIS”) would be prepared by the Applicant, and AKRF would once again review that document for completeness in coordination with the Town Board. The Lead Agency is responsible for the adequacy and accuracy of the FEIS, and therefore must concur with all conclusions and responses to public comments contained therein.

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. AKRF will work with the Applicant and the Town Board to prepare 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 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 and Architectural Review Board 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 had had a chance to review the application and report back to the Town Board. The Town Board would be responsible for conducting any public hearings on the Special Permit and Site Plan applications (if not held concurrently with the DEIS public hearing). None of the other boards would conduct public hearings.

PROPOSED SEQRA REVIEW SCHEDULE

May 15, 2012	Preliminary DEIS (pDEIS) submitted.
May 23, 2012	Town/Consultants meeting with Applicant.
June 7, 2012	Town Board meeting to discuss process and proposed schedule.
June 14, 2012	Town/Consultants meeting to review preliminary comments.
June 18, 2012	Town/Consultants meeting with Applicant.
June 28, 2012	Special Town Board meeting to review pDEIS.
July 19, 2012	Special Town Board meeting to review pDEIS. Consultants to provide final draft of comments.
July 26, 2012	Regular Town Board meeting to issue Determination of Completeness. Town Board and Consultant comments to be conveyed to Applicant.
July/August	Applicant revises pDEIS and resubmits.
August/September	Town Staff/Consultants review revised pDEIS.
October	Possible Public Hearing.