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Memorandum

To: Town of Southeast Town Board
From: Ashley Ley, AICP
Date: July 12, 2012 (Revised July 19, 2012)
Re: Crossroads 312
cc: Victoria Desidero, Tom Fenton, Stephen Coleman, Tom LaPerch, Will Stephens

AKRF, Inc. has reviewed a copy of the Draft Environmental Impact Statement (DEIS), submitted on or about May 15, 2012, prepared for the Crossroads 312 Commercial Development. This document has been submitted to the Town Board for a review of its completeness according to the adopted Scoping Document, dated November 11, 2009.

The purpose of this review is to determine whether the DEIS generally follows the Scoping Document and whether all relevant information is presented and analyzed in a complete and understandable format. A determination of completeness does not necessarily indicate that the Town Board concurs with all of the analyses. There may be areas of disagreement, or differences in the interpretation of technical issues, that will be addressed in the comment period on the accepted DEIS. However, the facts presented in the DEIS should be accurate and clearly described, and the methodologies should be appropriate.

Where issues have been left out or have not been addressed thoroughly, in the opinion of the Town Board, the applicant should be requested to revise the DEIS and resubmit the document to the Town Board for further review.

GENERAL

1. The DEIS should be written in plain English with the technical documents in the appendices. It is noted that some “chapters” are only the technical reports, this is insufficient.
2. The DEIS should be proofread carefully for consistency. In particular, square footage and height calculations were noted to differ in several parts of the DEIS. These inconsistencies should be corrected.
3. Figures should clearly show proposed site improvements in a consistent fashion (e.g., site entrance improvements). Furthermore, these figures should accurately reflect the text presented in the DEIS.

EXECUTIVE SUMMARY

1. The introduction should be revised to indicate that the Town Board “declared itself Lead Agency,” and that the DEIS was “prepared in accordance with the adopted Scoping Document.”

2. The DEIS explains on page ES-1 that the proposal has changed since the adoption of the Final Scope. This change should be stated succinctly, and the document should focus on the project as currently proposed. The DEIS graphics should present and describe the current project, and not the previous project. The inclusion of old graphics and referrals to outdated plans does not present a clear picture of the proposed project and leads to reader confusion.
3. Where the document refers to technical analyses and conclusions (for example, the introduction refers to mitigation measures for traffic and stormwater) the reader should be referred to the portion of the document that contains the substantive back-up for these statements.
4. The Executive Summary and Traffic sections discuss “rumors” of State funding sources and traffic improvements. The DEIS should be a factual document, and these types of vague statements should be removed.
5. The DEIS has not adequately evaluated the proposed project’s compliance with the Town of Southeast Comprehensive Plan. The “Approvals Required” should also list a Comprehensive Plan Amendment, which may be required if compliance can not be demonstrated.
6. The DEIS should evaluate reasonable alternatives to the Project in accordance with the adopted scope. The RC Zoning District Alternative should be a hotel and conference center, which is a Special Permit use in that zoning district. The HC-1 Alternative should developed per existing Highway Commercial (HC-1) Zoning with the provisions for Large Retail Establishments included in §138-63.4. The DEIS is missing the Reduced Scale Development under proposed HC-1A Zoning that would retain compliance with existing provisions of §138-15.1. Alternatives 4.1 and 4.2 are non-responsive to the scope.
7. Graphics have changed significantly since the 2009 presentations – it no longer appears to be a “lifestyle center.” While tenants may influence the architectural style, they should not drive it. The Code and Comprehensive Plan are clearly against out of the box corporate styles.
8. Maps 8 and 9 use an outdated Town of Southeast Zoning Map as the base.

PROJECT DESCRIPTION

1. The project purpose and need, in particular the proposed zoning, needs to be more clearly articulated.
2. The Location and Site Definition should more clearly describe the context of the Project Site. A table identifying the tax lots and acreages should be provided.
3. The proposed project, as currently conceived should be more clearly described in both text and graphics. Referrals to older iterations of the project are confusing to readers.
4. The statement regarding “Putnam County officials” indicating the possibility of funding should be substantiated with a formal letter from the official, a grant application, minutes from a meeting, or other such formal report.
5. The DEIS should include description of architectural features of the proposed buildings, including graphic depictions of each of the buildings, façade treatment for all building sides, building materials, screening for HVAC equipment, and integration of green building practices such as those suggested by the United States Green Building Council’s Leadership in Energy and Environmental Design (LEED) program.

LAND USE, ZONING, AND PUBLIC POLICY

1. A land use map indicating the ¼ miles study area with tax lots and standard land use categories should be provided.
2. Existing land uses, potential land use impacts, and proposed mitigation measures should be more adequately described. The current mitigation section currently described traffic mitigation measures as opposed to land use.

3. As stated above, Maps 8 and 9 use an outdated Town of Southeast Zoning Map as the base.
4. The proposed zoning change should be more adequately described. Each provision of the proposed zoning should be indicated, described, and analyzed in the text.
5. As required by the adopted scope, the document should thoroughly describe the allowable uses, bulk and setback requirements, design standards, steep slopes protection, and change in review process.
6. The discussion of the proposed zoning describes the importance of visibility of the Project Site from I-84, whereas the visual analysis in Chapter 5 downplays the visibility of the project. This inconsistency should be resolved.
7. Page 2-5 contains a number of value statements with regards to the need to permit manufactured slopes in excess of 30 feet (e.g. "Without flexibility, the goals of the Town to have this area become an economic "node" will not happen"). These statements have not been substantiated with the presentation of reasonable site plan alternatives, economic studies, or other such analyses. As such, these types of statements should be framed as "the applicant's opinion."
8. The proposed zoning amendment would eliminate a number of special permit criteria that the Town Board would typically apply to a project of this scale to protect the community character of the Town (e.g. regulations on outside sales). The removal of these types of conditions should be analyzed in the context of potential impacts to community character.
9. Page 2-5 describes "Other Changes Proposed to the HC-1A Petition." The document should not assume that the reader is familiar with any earlier versions of the Applicant's HC-1A Zoning Petition. The current proposed zoning should be evaluated against the existing Town of Southeast Zoning Code. Any earlier petitions by the applicant are not relevant to the potential impact analysis.
10. The public policy analysis should be framed in the context of adopted land use policies and planning documents, not general discussions of current economic conditions. As required by the adopted scope, the DEIS should outline relevant policies contained in the Town of Southeast Comprehensive Plan (dated June 2002) and the Town of Southeast Croton Plan with respect to the project site and large-scale commercial development in general. Although some specific provisions are identified, it fails to address the Transportation Improvement District recommendations and ridgeline protection provisions.
11. As required by the adopted scope, the DEIS should assess the compatibility of the proposed project with relevant policies contained in the Comprehensive Plan and Croton Plan, particularly focusing on commercial development and the Town's highway commercial areas. Provide specific references to the full text of relevant Comprehensive Plan policies. The DEIS does not address the proposed project's consistency with some of the implementation measures, such as "update the zoning code to include design standards to ensure that larger retail facilities ("big box retail") do not dominate the surrounding character of commercial or residential districts." (Comprehensive Plan page 7-5).
12. The DEIS states that the policies are "all consistent" with the proposed zone petition but does not demonstrate how.
13. Mitigation measures should be described in the context of land use, zoning, and public policy impacts. It is unclear how a Stormwater Pollution Prevention Plan is mitigation for a zoning or public policy impact.
14. If "design requirements" will mitigate the appearance of large scale development, they need to be presented and described.

COMMUNITY SERVICES

1. The DEIS should include copies of written correspondence from the fire and emergency services in the Appendices. In addition, a follow-up FOIL request should be made to the Putnam County Sheriff's Department to obtain the response information for the Highlands development.

2. The DEIS states that the “[Fire] Department will have significant issues protecting the property” but that no mitigation is required. It is unclear how this conclusion was reached.

ECONOMIC CONDITIONS

1. The analysis generally follows the tasks outlined in the Scoping Document, although several tasks require more detail as explained below.
2. **Construction Period** - The scope requires identification of the number of construction jobs to be generated direct *and indirectly* (emphasis added) as a result of construction in person-years. The applicant has provided estimates of direct construction in person-years, but the analysis does not estimate the indirect employment generated by construction activities. Indirect employment is typically estimated using an input-output model such as RIMS or IMPLAN, but also can be estimated using multipliers from publications, if the applicant does not have input-output modeling capabilities.
3. **Operational Period** - The scope indicates that this task work be coordinated with the Town of Southeast tax assessor to obtain relevant data for the analysis. The analysis indicates that the existing tax payments on the property were taken from the Town of Southeast Town Assessor's Office, but the analysis does not indicate whether any of the assumptions regarding the valuation of property in the build condition were performed in coordination with the Town of Southeast tax assessor. Some assessors prefer an income-based approach to property valuation, or assuming a certain percentage of construction cost, rather than assuming 100% construction cost as the basis for future valuation of property.
4. **Operational Period** - The scope requires an estimate of the salary level of future employees. This information is provided, but it should be noted that the analysis states that "Pay scales might range from \$175,000 for a large store retail manager to \$28,000 for a janitor. Were the average job to generate \$25,000 per year, over \$14,500,000 in direct payroll would be infused into the economy." It is overly conservative and awkward to use an average salary estimate (\$25,000) that is less than the estimated salary range (\$175,000 to \$28,000).
5. **Economic Impact Analysis** - The scope requested inclusion of existing or proposed retail project in Southeast, Patterson, and Danbury. Danbury was not included in the primary trade area for analysis, and there was sufficient rationale provided for its exclusion, so information related to existing or proposed retail projects in Danbury is not relevant to the analysis and does not need to be provided.
6. **Economic Impact Analysis** - The scope of work requires comparison of retail expenditures with sales to determine whether the trade area is currently saturated with retail uses or whether there is an outflow of expenditures from the trade area. This information is provided as part of the appended ESRI data, and is referenced adequately for purposes of completeness review. However, with respect to the related scope task of determining "whether any factors would emerge that would affect conditions within the trade area by the project build year," the applicant asserts that "It is the applicant's opinion that the present gap in market area sales is large enough to support all of the recently approved projects as well as Crossroads 312." The applicant's opinion can and should be supplemented with quantified analysis of the projected sales of the recently approved projects as well as Crossroads 312 in order to show--based on ESRI data and reasonable projections--that the total sales in the future with the recently approved projects and the proposed project would still fall well below retail expenditure potential for the study area. Retail sales projections for recently approved

projects may be available from environmental review documentation of those projects, or sales can be projected using sources such as ULI's *Dollars & Cents of Shopping Centers*.

VISUAL RESOURCES

1. During the Balloon Test it was noted that the project would be visible from Tonetta Heights, in particular near the intersection of Sunset Drive and Locust Drive. AKRF has photos from this location that may be used for a photo-simulation.
2. The viewshed diagrams should extend the full radius of the study area (they are short in a few locations).
3. The number of trees shown between the proposed hotel and I-84 seems inflated and should be further justified. The hotel is shown right on the property line, and beyond the property line is mostly rock ledge.
4. Map 14 should include Tonetta Heights within the area of potential visibility.

CULTURAL RESOURCES

1. This chapter is insufficient as no narrative was provided. Technical reports should be included in the appendices, and referenced in the text.

NATURAL RESOURCES

1. This chapter is insufficient as written and there are no supporting technical analyses contained in the appendices. As required by the adopted scope, the following items should be included:

- a. Introduction - This chapter shall include an overall depiction of the natural conditions found on the project site and shall serve as a means for assessing cumulative impact on natural resources on the project site and for assessing impacts to terrestrial habitat and wildlife. Detailed discussions of potential impact to specific areas of environmental concern are to be included in subsequent chapters.
- b. Existing Conditions - Identify vegetative communities and habitat types on the project site and in the vicinity of the site, including a description of species presence and abundance, age, size, distribution, dominance, community type, productivity and value as habitat for wildlife. Include both migratory and resident wildlife species. Identify any protected native plants, State-listed threatened or endangered plant and animal species, unique or locally rare plants and animals, and significant habitat areas on or in the vicinity of the project site. An on-site investigation should be completed and discussed in this section.

Provide graphic figures of existing onsite slopes, soil types, vegetation, wetlands and streams and other relevant resources separately. Provide a single graphic depicting all natural resources or constrained lands with the outline of proposed improvements shown for reference. Where the environmental features continue beyond site boundaries into neighboring properties, indicate this graphically.

Data provided shall be based on actual field data collected by experienced personnel at the appropriate time of year and studies shall follow accepted protocols for completing natural resource inventories.

- c. Potential Impacts of the Proposed Project - Assess the potential impacts to existing vegetative communities or habitat as a result of the proposed project. Describe the proposed method for tree removal and disposal and measures to protect trees to remain. Discuss and evaluate additional features of the proposed site plan that reflect steps taken to avoid, minimize or mitigate potential impacts on existing vegetation, wildlife and ecology.
2. A tree preservation plan should be provided.

GEOLOGY

1. The DEIS should more thoroughly describe in plain English the existing conditions and conclusions of the geotechnical report.
2. The DEIS should more thoroughly explain the extent of blasting anticipated on the site, and proposed mitigation measures.
3. As required by the scope, the DEIS should identify and describe proposed grading for the Site (with reference to a map showing 2-foot contour intervals and proposed Clearing and Grading Limit Lines).
4. The DEIS should more clearly identify and analyze the amount and location of earthwork anticipated (preliminary cut and fill analysis), identify total amount of disturbance, and evaluate effect of such earthwork. This information should be presented graphically as well as in the text.

WETLAND AND WATER RESOURCES

1. This chapter is insufficient as written and should include a more detailed narrative of the existing and proposed conditions as required by the adopted scope. Technical reports should be included in the appendices, and referenced in the text.
2. Correspondence from NYCDEP, NYSDEC, and USACOE regarding the presence/absence of wetlands and watercourses should be included in the appendices.
3. FEMA has been updating flood maps in the region. As such, the flood map included in the document may be outdated and the status of the new map should be confirmed.

SANITARY SEWAGE

1. The waste water generation rates should be substantiated.
2. The Proposed Project must account for the full build out of the Terravest Site in its analysis of the existing sewage treatment plant capacity.

TRAFFIC

1. The DEIS should discuss mass transit and sight distance at the project driveways.
2. The proposed 500 space MTA parking lot should be accounted for in the DEIS.
3. The No Build project list is incomplete. The following projects should be added:
 - a. Vacant tenant spaces within the Highlands shopping center
 - b. Stateline
 - c. Putnam Seabury aka Campus at Fields Corners (the extent to which this project was included in the analysis and assumptions should be clarified)
 - d. Brewster Corporate Park (Route 22)
4. "Rumors" should not be included.
5. The Traffic Impact Study (TIS) cover letter states that CINTAS left the area. This is not entirely accurate it moved from Route 22 to Fields Lane just over the Southeast border in North Salem. As such, traffic from this business can still be expected to travel through Southeast.
6. The technical appendix for the TIS should be provided.
7. The existing conditions are from 2008 and 2009. Updated counts should be conducted at several key locations within the study area to determine if there have been any significant changes in network volumes from 2009 to 2012. For example, DeCicco is a new large tenant in the Highlands shopping center that may not have been accounted for in the traffic counts.

8. The accident data is outdated and covers 2006, 2007 and 2008. This data is nearly four years old and needs to be updated in order to establish the most recent accident experience in the study area. Also, the Traffic Impact Study (TIS) should identify high locations (e.g., Route 6/Route 312) and improvement measures that could be implemented to improve conditions.
9. The Highway Capacity Manual/Synchro analysis is outdated and does not reflect the latest methodology and available software.
10. The intersections of Route 312/Pugsley Road, Route 312/CR35, Route 312/Mt. Kisco Medical Group Driveway and Route 312/John Simpson Road should be considered for inclusion for analysis in the TIS.
11. The Town should be copied on all correspondence with NYSDOT regarding the improvement measures proposed for the project. The TIS should summarize the latest discussions with NYSDOT regarding these improvements. Based on a review of the TIS additional improvements may be required (see comments below).
12. The TIS does not present a discussion of parking and on-site circulation (pedestrian and vehicular).
13. The LOS and queue results presented in the TIS do not reflect field observations conducted in the field during peak hour conditions. For example, the intersection of Route 312/Route 6 experience extremely long queue lengths and delays that are not reflected in the analysis results presented in the TIS.
14. At both unsignalized intersections of Route 312/North Brewster Road and Route 312/Zimmer Road the project would result in significant changes in LOS and large increases in delay. These impacts should be identified in the TIS and mitigation measures provided.
15. There should be a discussion of the roadway width and potential ROW issues for the recommended improvement measures presented in Figure 26 of the TIS.
16. A qualitative assessment of the impact a Route 312 bypass road would have on traffic operating conditions in the area should be presented in the TIS.
17. The pavement conditions for all study area roads should be presented in the TIS.

INFRASTRUCTURE AND ENERGY

1. The DEIS should include a discussion of any water saving fixtures, or any energy consumption reducing measures that could be integrated into the proposed project.

AIR QUALITY

1. This chapter is insufficient as no narrative was provided. Technical reports should be included in the appendices, and referenced in the text.
2. Substantive comments on the technical analysis will be provided once the document has been accepted as complete.

NOISE

1. This chapter is insufficient as no narrative was provided. Technical reports should be included in the appendices, and referenced in the text.
2. Substantive comments on the technical analysis will be provided once the document has been accepted as complete.

CONSTRUCTION

1. Graphics should be provided to support the textual descriptions of the proposed construction phasing, materials storage and/or staging areas, lighting and security, and the delivery means and methods.

2. The potential impacts of blasting should be more thoroughly described.

ALTERNATIVES

1. As described above, the adopted scope requires that the DEIS evaluate reasonable alternatives to the Project. The RC Zoning District Alternative should be a hotel and conference center, which is a Special Permit use in that zoning district. The HC-1 Alternative should developed per existing Highway Commercial (HC-1) Zoning with the provisions for Large Retail Establishments included in §138-63.4. The DEIS is missing the Reduced Scale Development under proposed HC-1A Zoning that would retain compliance with existing provisions of §138-15.1. Alternatives 4.1 and 4.2 are non-responsive to the scope.
2. The inclusion of a gas station is not a reasonable alternative to the proposed project. Gas stations are currently prohibited by Town Code. All existing gas stations within the Town are pre-existing non-conforming.
3. The Alternatives Analysis is insufficient as currently presented. Alternatives need to be further analyzed and substantiated.
4. A table comparing the potential environmental impacts of each alternative should be provided.