



Environmental and Planning 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 Town Board
From: Ashley Ley, AICP and Anthony Russo
Date: February 4, 2013
Re: Crossroads 312
cc:

AKRF, Inc. has reviewed a copy of the Draft Environmental Impact Statement (DEIS), submitted on or about January 11, 2013, 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. This document includes revisions in response to comments from the Town Board and its consultants during the completeness review of the May 15, 2012 preliminary DEIS. Please note that this document is a substantially new document from what was submitted in May 2012.

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 a factual and analytical document prepared in accordance with §617.9 of the New York State Environmental Quality Review Act and with the adopted scoping document. All editorial comments, such as those contained on page 16-6, should be relegated to cover letters. The DEIS is not the appropriate forum for debating the requirements of the adopted scope. Editorial comments regarding elected officials or their consultants should be removed.
2. All editorial discussions regarding the completeness review of the DEIS should be removed from the document. Any mention of completeness review should be limited to submission dates and dates of Town Board actions.

3. The document refers to 2011 and 2015 Build Years, all references and technical studies should be adjusted to reflect the same future Build Year.
4. The map, plan, and illustration numbering is difficult to follow as it jumps around within chapters, and figures are repeated out of sequence. Perhaps there should just be one graphics section that can be referred to. In addition, this could save the applicant some printing costs by reducing the amount of paper.
5. The Table of Contents should list briefly the contents of each Volume. Also, consider putting the Table of Contents in front of the list of maps, plans, and illustrations. Redundancy within the table of contents and cover pages should be minimized.
6. The following items do not need to be included in the appendices:
 - a. Transcripts from public scoping sessions
 - b. More than one copy of the Final Scoping Document
 - c. Town Board Lead Agency resolutions
 - d. Correspondence from Town Consultants regarding completeness (in particular memorandums labeled "draft").

EXECUTIVE SUMMARY

1. The DEIS explains on page ES-1 that the document has been revised since the previous submission to address completeness comments. The DEIS is intended to be a stand alone document, as such the statements regarding revisions should be in a cover letter, not the DEIS.
2. The last sentence of the first paragraph on page ES-4 is confusing. What floor area changes are being referred to?
3. The document frequently refers to a waiver from certain zoning sections. Under the current Town Code, a variance would be required. The document should explain or reference up front that the proposed zoning amendment, if granted, would allow for waivers of certain provisions.
4. References to "Albany" should be clarified by stating the appropriate agency or legislative body.
5. The DEIS frequently refers to the 1992 Comprehensive Plan. It is important to note that this document was superseded by the 2002 Comprehensive Plan. While the 1992 document can be referenced for historical context, the 2002 Comprehensive Plan is what currently defines the goals and objectives of the Town.
6. Page E-6 refers to a March 2010 report by F.P. Clark & Associates. It is unclear if this report is one that was prepared for the proposed project, or some other development. The context of the report should be stated.
7. Subjective statements, such as those made in the first paragraph on page E-7, should be prefaced by "in the Applicant's opinion."
8. The list of "Approvals Required" should include a footnote indicating that the Town Board would only have site plan, subdivision, architectural review, and wetland permit authority if the applicant's proposed zoning amendment is granted. This change should also be replicated on page 1-7 and 1-8 in Chapter 1.
9. References to sales and property tax generation should be clarified as "estimates" or "anticipated" amounts. (Please note that this change should be replicated throughout the document).
10. The summary of alternatives should more clearly list the name or number of each alternative, and include a brief description of that alternative. To improve this summary, the table required by the adopted scope for Chapter 16 could be replicated here.

11. Map 1 is unnecessary as Map 2 sufficiently shows the regional context of the project.
12. The applicant has sufficiently addressed AKRF's Executive Summary comments 1 through 3, and 8 of the 8/3/12 memorandum.

PROJECT DESCRIPTION

1. The first paragraph on page 1-2 should reference the Land Use, Zoning, and Public Policy Chapter as opposed to the Executive Summary.
2. The DEIS frequently states that "Adopting the zone change requested by Crossroads will encourage the commercial development envisioned by the Town of the Interstate 84/Route 312 interchange area and maintain certain protections through the implementation of design guidelines." This value statement, for completeness purposes, should be prefaced by "It is the Applicant's opinion." In addition, it is important to note as a substantive comment that this characterization disregards the Comprehensive Plan's recommendations for ridgeline protections, as well as the purposeful rezoning of the Project Site to RC because of its steep slopes and ridgeline areas following the adoption of the Comprehensive Plan. As stated in the Comprehensive Plan, the purpose of the RC Zoning District was to "...permit commercial development that has a smaller impact on environmental systems and the traffic network, but that will still permit high-value uses related to the Town's natural character." (See 2002 Comprehensive Plan page 5-16).
3. The DEIS would benefit from a table summarizing the elements of the build program. Such a table would help to clarify the second paragraph on page 1-6. The table should include the number of proposed parking spaces for the hotel and retail/restaurant uses.
4. The statement following the list of approvals required on page 1-8 seems out of context.
5. The applicant has sufficiently addressed AKRF's Project Description comments 1 through 5 of the 8/3/12 memorandum.

LAND USE, ZONING, AND PUBLIC POLICY

1. The first paragraph on page 2-1 should clarify that the HC-1A zoning designation was developed by the applicant.
2. The last paragraph on page 2-2 should be clarified.
3. The fourth paragraph under section 4 on page 2-6 should be identified as the applicant's opinion. As a substantive matter, this statement does not consider that the Project Site was zoned RC to reflect the topography of the site.
4. The last paragraph on page 2-6 uses the term "impact" to describe the Town's existing Zoning regulations. As "impact" is a SEQRA term, its use should be limited to elements of the proposed project that may result in impacts regulated by SEQRA. In the instance referenced herein, "impact" should be substituted with "regulations."
5. The first full paragraph on page 2-7 regarding gas stations uses subjective word choices and editorialized opinion of the current zoning regulations. These statements should be rewritten to present factual material only.
6. The difference between an "Outdoor Sales Area" and "Exterior Garden Center" should be clarified. The allowance for both of these uses seems redundant as they are both seasonal outside retail.
7. The last paragraph on page 2-8 describes the existing conservation buffer as "counter productive," these types of editorial comments should be clarified as being in the "applicant's opinion."
8. References to the Comprehensive Plan, in particular quotations, should be given sufficient context. It is noted that the references on the bottom of page 2-8/top of page 2-9 were taken from a discussion of

demographic trends, and the transportation improvement district. These statements were not specifically about the Project Site.

9. The public policy discussion should be focused on the proposed project's conformance with adopted policy documents, either prepared by the Town of Southeast (such as the Comprehensive Plan), Putnam County, or similar government agency. The editorial discussion on page 2-9 regarding approved projects that have not been built, while it provides some regional context for the proposed project, does not relate to public policy. This discussion would be better suited for the "project purpose and need" in Chapter 1.
10. It should also be noted on page 2-9 that the table on page 7-4 of the Comprehensive Plan identifies the Route 312/I-84 interchange as an "office park."
11. The RC/HC-1/HC-1A comparison chart should be expanded to include the dimensions of the Proposed Project.
12. The design requirements of the proposed HC-1A zoning should be presented and described. In particular, they should be compared with the existing Large Scale Retail Special Permit provisions of the Code.
13. 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.

COMMUNITY SERVICES

1. The response letters from the emergency service providers indicate that they considered a 6 story hotel. However, a 7 story hotel is now proposed. The applicant should confirm with these providers that they are able to accommodate the additional story, or further explain any difference in height.
2. The DEIS should include statistical reports from the New York State Police and Putnam County Sheriff's Departments regarding incidents at the Brewster Highlands Shopping Center, as opposed to phone call summaries. These reports should be readily available through a FOIL request. The provision of these reports will provide the Lead Agency context for the number of calls (e.g. number of larcenies, vehicle lock-outs, false alarms, collisions, etc.).

ECONOMIC CONDITIONS

1. Page 4-8 references a "report" prepared for the un-built Stateline project. The full reference for the report should be provided as it is unclear what is being referred to.
2. The second paragraph on page 4-12 should utilize 2010 US Census Data and current employment information.
3. With the exception of the above comments, this chapter and supporting appendices sufficiently address the requirements of the Final Scope. Substantive comments on the technical analysis will be provided once the document has been accepted as complete.

VISUAL RESOURCES

1. The diagrams on Illustrations 6 and 7 should be enlarged to a more readable scale.
2. 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.
3. Map 15 should include Tonetta Heights within the area of potential visibility.

CULTURAL RESOURCES

1. This chapter and supporting appendices sufficiently address the requirements of the Final Scope. Substantive comments on the technical analysis will be provided once the document has been accepted as complete.

NATURAL RESOURCES

Review of this chapter has been deferred to the Town's Wetland Consultant, Stephen Coleman. However, we offer the following brief comments:

1. Page 7-9 refers to the New York Natural Heritage Letters being in Appendix Q, however none are provided.
2. A tree preservation plan should be provided.

GEOLOGY

1. The DEIS should more thoroughly explain the extent of blasting anticipated on the site, and proposed mitigation measures. In particular, the DEIS should describe project compliance with the Code of the Town of Southeast Chapter 71, Explosives and Blasting.
2. 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).

WETLAND AND WATER RESOURCES

Review of this chapter has been deferred to the Town's Wetland Consultant, Stephen Coleman. However, we offer the following comment:

1. The Town recently adopted revised FEMA flood maps for the Town. The DEIS should confirm whether any areas adjacent to the Project Site were affected.

SANITARY SEWAGE

Review of this chapter has been deferred to the Town's Engineering Consultant, Tom Fenton. However, we offer the following comment:

1. The waste water generation rates for the hotel and restaurant uses should be substantiated.

STORMWATER

Review of this chapter has been deferred to the Town's Engineering Consultant, Tom Fenton.

TRAFFIC AND TRANSPORTATION

1. The traffic report presents an analysis of the weekday morning, weekday afternoon and Saturday midday peak hours. The traffic report should indicate what time of day these peaks occur.
2. The traffic report should list the locations of the July, 2012 counts. In addition, a seasonal adjustment factor should be applied to counts if based on NYSDOT data. July volumes are typically lower compared to the non-summer months.
3. The traffic study utilizes a 2011 Build year. The Build year should be adjusted to reflect a more realistic completion year of the proposed project. The existing traffic volumes presented in the TIS should be labeled 2012 and then grown to reflect the proposed Build year.
4. Section D.6 of the traffic report lists intersections where mitigation is proposed – US Route 6/Route 312, Route 312/I-84 EB Ramps, Route 312/I-84 WB Ramps, Route 312/Brewster Hill Road, Route 22/Route 312, Route 312/North Brewster Road and Route 312/Site Access Drive North. The proposed project does impact all the intersections listed and the cost for the improvements should be the applicant's responsibility. At the intersection of Route 312 at Route 22 the traffic study states that

NYSDOT has plans to make the improvements (the addition of a Route 312 EB right-turn lane and the optimization of the traffic signal). However, if NYSDOT does not implement the improvements prior to the completion of the proposed project the applicant should be responsible. The NYSDOT Project Identification Number (PIN) should be included in the traffic report.

5. At the intersection of Route 312 at Zimmer Road the project does impact the intersection and a traffic signal is proposed as mitigation. However, NYSDOT has requested that a traffic signal not be proposed since a traffic signal is proposed for the new Shopping Center access drive immediately to the west. The Route 312/Zimmer Road should be reanalyzed accounting for the increased gaps that the upstream signal would provide. Also, copies of all correspondence with NYSDOT should be provided to the Town.
6. The traffic report should indicate that the intersections of Route 312/Park and Ride Lot Drive, Route 312/Pugsley Road and Route 312/Office Building Drive experience impacts as result of the proposed project. The feasibility of implementing mitigation measures should be presented in the traffic report.
7. The parking demand for the proposed project should be calculated based on the ITE Parking Handbook.
8. The traffic report states that NYSDOT indicates that traffic volumes in the study area are static and the use of more updated accident data would not change the results of the 2006 through 2009 accident data presented in the study. Please provide correspondence from NYSDOT regarding this issue.
9. The traffic report should summarize the findings of the accident investigation and present the improvement measures recommended and the party responsible for implementation. This includes the identification of NYSDOT Priority Investigation Locations (PILs).
10. The backup to support the use of the HCM 2 percent heavy vehicle factor should be provided.
11. As previously presented, the Simtraffic Simulation for all the intersections between and including Route 312/I-84 EB Ramp to Route 312/Zimmer Road should be performed and shown to the Town and NYSDOT. This analysis would visually present how the roadway network would function with the proposed project in place at these closely spaced intersections. Also, the Synchro/Simtraffic analysis should be submitted to the Town for review.
 - a. A graphic should be presented in the study that shows a side by side comparison of existing and future roadway and intersection conditions at all locations where mitigation is proposed.
 - b. The Institute of Transportation Engineers (ITE) Trip Generation Manual rates used in the study should be updated to reflect the 9th edition.
 - c. There are two exiting left-turn lanes shown on the plans from the proposed Crossroads Driveway with only one receiving lane on Route 312.
12. Pedestrian circulation on site should be discussed in the traffic report including how guests of the hotel and customers of the bank would walk to and from the shopping center.
13. The version of the HCM/Synchro software used in the analysis should be stated in the study.

INFRASTRUCTURE AND ENERGY

Review of this chapter has been deferred to the Town's Engineering Consultant, Tom Fenton.

AIR QUALITY

1. This chapter and supporting appendices sufficiently address the requirements of the Final Scope. Substantive comments on the technical analysis will be provided once the document has been accepted as complete.

NOISE

1. This chapter and supporting appendices sufficiently address the requirements of the Final Scope. 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 DEIS should more thoroughly explain the extent of blasting anticipated on the site, and proposed mitigation measures. In particular, the DEIS should describe project compliance with the Code of the Town of Southeast Chapter 71, Explosives and Blasting.

ALTERNATIVES

1. A selective sentence from §617.9(b)(5)(v) is cited on page 16-1. The applicant should also note the requirement that, “The description and evaluation of each alternative should be at a level of detail sufficient to permit a comparative assessment of the alternatives discussed.” The Alternatives Analysis is insufficient as currently presented. Alternatives need to be further analyzed and substantiated.
2. The applicant has not presented a compelling case that the site can not be developed under the existing RC zoning designation. The applicant has dismissed the existing RC Zoning designation as being too dimensionally restrictive, but has not provided an alternative that shows the full build out under this designation. As indicated on page 2-2, the existing RC Zoning would allow for a 272,240 square foot building. However, the three RC build outs provided include a 45,000 sf office building, 96,000 sf office building, and 200 room/3 story hotel—all of which are substantially less than what the RC Zoning District would permit as of right. It appears that the only dimensional regulations which could not be met if the site were fully built out under RC would be the ridgeline and manufactured slope requirements (§138-12.I and §138-15.1) which are not unique to the RC Zoning District, but are applicable to all Zoning Districts. It is important that the applicant demonstrate the challenges of development under the RC zoning district.
3. For the same reasons identified in Alternatives Comment 2 above, the applicant has not presented a compelling case that the site can not be developed under the Town’s existing HC-1 zoning designation, should the property be rezoned to that district.
4. Page 16 of the adopted scope requires a table comparing the potential environmental impacts of each alternative. The Table on page 16-38 does is insufficient as it does not include each potential impact area.