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Memorandum

To: Town of Southeast Planning Board
From: Ashley Ley, AICP
Date: June 12, 2018
Re: Northeast Logistics DEIS Completeness Comments – Round #2
cc: JMC, Zarin & Steinmetz

AKRF, Inc. has reviewed a the revised Draft Environmental Impact Statement (DEIS), submitted in sections starting on May 30, 2018, prepared for the Northeast Interstate Logistics Center project.

This document has been submitted to the Planning Board for a review of its completeness and includes revisions in response to comments from the Planning Board and its consultants. In particular, the DEIS has been revised in response to AKRF's completeness review memos dated May 4, 2018, May 16, 2018, and May 24, 2018, and comments from the Planning Board at the May 14, 2018, Planning Board meeting.

The purpose of this review is to determine whether all relevant information is presented and analyzed in a complete and understandable format for the purpose of public review. A determination of completeness does not necessarily indicate that the Planning 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 Planning Board, the applicant should be requested to revise the DEIS and resubmit the document to the Planning Board for further review.

At this time, the DEIS is close to complete. There are some comments from our memorandums which were not addressed, and some new comments which respond to new text. However, these comments are relatively minor in nature.

At this time, the Planning Board has the ability to declare the document complete, incomplete, or complete subject to minor revisions. If the Planning Board chooses to declare the document complete subject to minor revisions, we recommend that "proof copies" be submitted to the Planning Board and its consultants no later than June 19, 2018, and prior to its distribution. This deadline assumes that the public hearing on the DEIS would be set for July 9, 2018, and that the DEIS would be filed with the Involved and Interested Agencies and posted to the Town's website no later than June 22, 2018. Pursuant to the SEQRA regulations, the public must have a reasonable amount of time to review the document prior to the public hearing (a minimum of 14 days).

The following that AKRF recommends be addressed prior to the document being circulated to the public. Comments from previous memorandums that were not fully addressed are recited in *italics* and new comments are presented in **bold**. Comments that have been sufficiently addressed are not recited herein. In addition, AKRF submitted mark-ups of each chapter directly to JMC that included minor editorial comments and corrections which should also be incorporated prior to distribution. A webfolder with PDFs of these mark-ups was circulated to the Planning Board on June 12, 2018.

GENERAL COMMENTS

1. *The DEIS should use “would” instead of “will” when describing items subject to discretionary actions outside of the Applicant’s control. For example, the PILOT discussion on page II-3 should be re-framed as the Applicant is seeking a PILOT from the IDA, which would be negotiated with the Town of Southeast and other taxing jurisdictions.*
2. *The DEIS should avoid subjective statements regarding potential impacts and benefits. The EIS should contain objective statements and conclusions of facts based upon technical analyses. Subjective evaluations of impacts where evidence is inconclusive or subject to opinion should be prefaced by statements indicating that “It is the applicant's opinion that...”*

EXECUTIVE SUMMARY

3. **The “general comments” and chapter specific comments should be carried through the Executive Summary as applicable.**

DESCRIPTION OF THE PROPOSED ACTION

4. **See comment 1 above.**

LAND USE AND ZONING

5. *The “existing conditions” section includes some discussion of proposed conditions, which should be relocated.*
6. **On page III.A-17, the Future without the Proposed Project should be revised to state that the existing zoning designations, zoning text, and lot lines would remain in their present condition.**
7. **The discussion of the proposed zoning should include a greater description of the proposed “waivers” regarding wall height and manufactured slopes.**

TRAFFIC

8. *The Physical Inventories of the study area intersections should be provided in the Appendix.*
9. *The accident data should be included in the Appendix. **Accident data has been provided to AKRF, but has not been included in the Appendix to protect the privacy of the drivers involved (accident records reveal driver's names and addresses).***

VISUAL RESOURCES

10. *Section C-31 should be taken from Sunset Drive not North Brewster Rd. The east-west streets that intersect Sunset Drive have the potential for long views of the Project Site. **This section was not included with the current submission.***

SURFACE WATER AND WETLANDS

11. **No comments.**

GEOLOGY, SOILS AND TOPOGRAPHY

12. **No comments.**

GROUNDWATER

13. No comments.

VEGETATION AND WILDLIFE

14. *Greater description of the proposed conditions should be provided. For example, the proposed project site plan should be overlain on the vegetative community map to demonstrate disturbance and preservation areas. This was provided, however a simple line drawing overlay would allow the reader to see the underlying vegetative communities better.*

TAX ANALYSIS

15. The language of the 2nd paragraph on page 1 is repeated in paragraph three. In addition, the language in both paragraphs (as well as the other locations within the chapter and the executive summary that contain this language) should be clarified; an explanation of *how* the Applicant would implement this assurance is required. We suggest removing paragraph two and, if the language below reflects the Applicant's intention, changing the language in paragraph three to read:

The Applicant is seeking a Payment in Lieu of Taxes (PILOT) program which is a mechanism to encourage economic development while providing appropriate revenue to the municipality and other taxing jurisdictions. Under a PILOT, instead of paying property taxes on the full assessed value of a property, a land owner negotiates a fixed payment with the various property taxing jurisdictions for a period of time. In no case would a PILOT payment be less than the taxes the land owner is currently paying on the unimproved property. As part of the PILOT negotiations, the Applicant will ensure that the taxes paid under the PILOT program payments exceed the costs of providing governmental services to the project. ~~The Applicant anticipates paying significantly more than the property currently pays in taxes.~~

16. In the third paragraph on page 2, please delete the words, "The Applicant anticipates that" from the first sentence. Our understanding is that the law requires these payments to be made in the same ratio.
17. Section 2.b on page 15. Please cite the study from which the discussion of economic benefits of the project was based; e.g., "Philips Price prepared a study estimating the economic benefits of the project using the IMPLAN model (see Appendix ...)."
18. In the text describing the estimated economic benefits of the Project, please clearly indicate the geographic region for which the benefits are projected. Similarly, when discussing the jobs estimated to be created, please clarify whether they are full, part, full and part, or full-time equivalent jobs.

COMMUNITY SERVICES

19. In the last sentence of the first paragraph on page 1, and on all other similar instances in this Chapter and the executive summary, please change the sentence to read, "Property tax revenues or revenues from the proposed PILOT..."
20. Please switch the order of the paragraphs in section "d." on page 2.
21. On page 3, please replace second and third sentences with the following text. This change should be carried throughout the chapter and executive summary.

Each parcel within the Project Site would continue to pay property taxes based on its current status as "undeveloped land" until such time as construction on a given parcel is complete. At that time, the parcel would either pay property taxes based on the assessed value of the parcel as 'developed' land, or would make a payment pursuant to a PILOT agreement.

22. In the first paragraph in Section 2.d on page 5, please clarify if the Applicant is agreeing to allow the Fire Department to use the Site's emergency water supply for *off-site* fire emergencies, as opposed to only on-Site emergencies.
23. Clarity should be provided as to the timing of the water system improvements, including the water storage tank, with respect to the phasing of the project.
24. We suggest deleting the paragraphs in Section 4.b that deal only with solid waste management of residential facilities. They are not relevant to this discussion.

UTILITIES

25. Section 1.d.1 refers to two on-Site wells (as do other sections of this Chapter). However, earlier in the chapter, three on-Site wells are referenced. This should be clarified.
26. As requested in the May 16, 2018 memorandum, the source of the electric and gas projections for the Proposed Project should be provided.

CULTURAL RESOURCES

27. Please reword references to the "2017 APE" throughout this chapter to "the APE for the currently proposed project".

NOISE

28. No comments.

AIR QUALITY

29. The measures proposed to reduce the potential fugitive dust emissions of the project during construction are more appropriately considered as part of the Project itself. Therefore, they should be discussed in the "anticipated impacts" section and not the mitigation section. This distinction should also be made in the introduction to the chapter.
30. This chapter does not address the potential for air quality impacts from: construction equipment emissions; stationary sources of emissions during operation (e.g., HVAC); or, emissions from mobile sources (i.e., trucks) on-Site during loading and unloading. The potential for truck idling during loading and unloading should be addressed.
31. If the analysis summarized in this Chapter was performed by another firm, that firm, and their report, should be referenced in this Chapter.

HAZARDOUS MATERIALS

32. No comments.

CONSTRUCTION

33. It is not clear what, if any, common infrastructure would be constructed during the first phase of development. AKRF has assumed that the water production, storage, and distribution systems would be completed during the first building construction phase and has suggested text edits to make that clear. If this is incorrect, the chapter should be clarified.
34. AKRF recommends the beginning the second paragraph in Section 4 (page 2) be changed to read:

The Proposed Project is anticipated to be constructed in two phases: Buildings 1 and 2 would be constructed in one phase; and, Buildings 3 and 4 would be constructed in a separate phase. (The final construction phasing will be dictated by the market demand for each proposed building.) Each 2-building construction phase is anticipated to take 12-15 months to complete and would follow the generalized construction sequence described below. With the exception of

the water production, storage, and distribution infrastructure, which would be completed during the first phase of building development, each building phase would be independent. Should disturbance to a lot that is not the site of active building construction be required, erosion and sediment control measures, discussed below, would be implemented to avoid potential impacts.

35. The figures included in the DEIS should provide additional detail, including the limit of disturbance for each building phase and the identification of the various areas of the phase development (e.g., stormwater management area, SSDS, building pad, etc.).

ALTERNATIVES

36. No comments.

REQUIRED CHAPTERS

37. No comments.

RECOMMENDED ACTIONS

At the June 14, 2018, meeting, AKRF recommends that the Planning Board issue a Positive Declaration and accept the DEIS as complete subject to the incorporation of the above edits.